

THE  
Transportation  
Enhancement  
&  
Congestion  
Mitigation and  
Air Quality  
PROGRAMS



**Manual  
for the  
Development  
of Projects**

This TE/CMAQ Manual is produced by the New Hampshire Department of Transportation to communicate all aspects of these federally funded programs. If you have questions or comments, please contact the NHDOT TE/CMAQ Coordinator, Victoria H. Chase at (603)271-2107, or visit the NHDOT website [www.nhdot.com](http://www.nhdot.com).

This is the second printing of the manual, and we made some improvements, such as:

- an improved environmental documentation process
- an expanded environmental resource section
- references for all photographs



Newmarket 11919 11-99



Statewide 12654 11-00



Keene 12166 12-99



# Table of Contents

## I

### INTRODUCTION & BACKGROUND

1.1	How to Use This Manual	2
1.2	The New Hampshire Program	2
1.3	Policy Goals	3

## II

### PROCESS OVERVIEW

2.1	Summary	6
2.2	Flowchart	8

## III

### PROJECT SELECTION

3.1	How Your Project Gets To Be A Project	12
3.2	Project Cost Estimate	15

## IV

### DEVELOPMENT & MANAGEMENT

4.1	Project Management	18
4.2	Reimbursements	18
4.3	Cost Increase/Change In Scope Of Work	20
4.4	Project Timetables	20
4.5	The Municipal Agreement	20
4.6	Consultant Selection	20
4.7	Design Procedures	21
4.8	Design Standards	23
4.9	Environmental Clearances	23
4.10	Public Involvement	25
4.11	Right-of-Way	25
4.12	Utilities and Other Appurtenances	28
4.13	Permits/Approvals	28
4.14	Construction	28
4.15	Maintenance	30
4.16	Cancellation Of A Project	30

## Appendix

A	Typical Unit Costs and Typical Sections	A1-A9
B	Sample Municipal Agreements for Town/City Management and State Management	B1-B4
C	Environmental Evaluation and Documentation	C1-C22
D	Guidelines for Construction Procurement	D1-D2
E	Billing Procedures	E1-E3
F	Important Acronyms	F1-F2
G	Regional Planning Commissions in N.H.	G1-G2



*“Transportation is about more than asphalt, concrete and steel. Ultimately it is about people, it is about providing people with the opportunity for a safer, happier, and more fulfilling life.”*

*— Rodney Slater, U.S. Secretary of Transportation*



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# *Introduction & Background*

# Introduction & Background

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***Projects vary widely:***  
*from the renovation of historic  
railroad structures, to the  
purchase of buses and  
commuter rail locomotive and  
coaches; from sidewalk and  
rail trail construction to park  
and ride construction.*

*See page 13 and 14 for details on  
eligibility requirements.*

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This manual is intended for use by current and potential Sponsors who have projects approved for Federal funding in either the Transportation Enhancement (TE) or Congestion Mitigation and Air Quality (CMAQ) Programs. The programs started with the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and are continued by The Transportation Equity Act for the 21st Century (TEA 21-1998). These programs are administered on the Federal level through the Federal Highway Administration (FHWA) and/or the Federal Transit Administration (FTA), and on the State level through the New Hampshire Department of Transportation (NHDOT). Welcome to the world of Federally funded projects. We hope this manual will be a handy guide in navigating through the process.

This manual is intended to provide guidance throughout the application, selection and implementation phases of TE and CMAQ projects. This manual is not intended to be a sole reference for project implementation.

The Transportation Enhancement (TE) and Congestion Mitigation Air Quality (CMAQ) Programs provide the opportunity for public entities to manage and construct a project with Federal transportation funds. All aspects of a project must meet the requirements of the TE and CMAQ Programs and follow established Federal requirements.

The TE and CMAQ Programs are not typical grant programs that provide funds to the Sponsor in advance of expenditure. They are reimbursement programs. As work is completed and expenditures made, the Sponsor bills the New Hampshire Department of Transportation (NHDOT), which in turn bills the FHWA or the FTA. The reimbursement to the Sponsor is a percentage of expenditures based on an established rate (typically, 80% Federal/20% local funds).

The Staff of the NHDOT's Division of Project Development supports the administration of these TE and CMAQ projects. They assist the Sponsor in meeting the project's requirements by: answering individual questions, monitoring project timelines, conducting site visits as necessary, reviewing plans, and providing technical assistance when needed. Workshops are periodically held to explain the program and its requirements.

It is important the Sponsor understands the requirements outlined in this manual. The following information provides a step-by-step outline and flow chart of the design and construction procedures for TE and CMAQ Projects. To help you with the acronyms used throughout the document, Appendix F provides some definitions.

If, at any time, you have questions about the programs or your specific project, please call the NHDOT TE/CMAQ Coordinator, Victoria H. Chase, (603) 271-2107 or visit our website at [www.nhdot.com](http://www.nhdot.com).

## 1.1 How To Use This Manual

If you would like to get a quick but accurate idea of what a TE or CMAQ project entails, i.e., the big picture - read Chapter 2, Process Overview. For more details, read Chapter 3, Project Selection and Chapter 4, Development & Management.

The Appendices will give you important and specific details about various stages of your project.

## 1.2 The New Hampshire Program

The TE and CMAQ Programs in New Hampshire are well under way with several rounds of project selection completed. The first round took place in 1993. The projects are typically initiated by local entities and supported by the community and the Regional Planning

Commission (RPC). Some projects are initiated by NHDOT and are supported by the communities and the RPC. Projects are then selected by the Transportation Enhancement and Congestion Mitigation and Air Quality Advisory Committees (TEAC and CMAQAC) through a bi-annual process.

The NHDOT has expanded the traditional Project Development Process to allow the Project Sponsors to manage their projects, and we are looking forward to the opportunities this will bring. In most cases, the Project Sponsor must either be a Municipality or a partner with a Municipality. Our hope is the new approach will expedite the project development process and allow for greater involvement and decision making by the interested parties. The program is structured much the same as the State Aid Bridge Program, in which, some Municipalities have managed bridge rehabilitation and replacement projects for several years.

In general, the process can be described as follows: The Project Sponsor will be the lead agency in developing and refining the scope and estimate for the project. The Project Sponsor considers who will perform the study, design, and contract document development (a licensed Professional Engineer (PE) on staff or hired consultant). The Sponsor will develop a timeline that lists activities and schedules time for consultant selection (if appropriate), public participation, environmental evaluation and documentation, alternative evaluation and documentation, right-of-way clearance, utility evaluation, and review periods for the NHDOT to review progress plans. This timeline will be the main communication tool between the Sponsor and the NHDOT to keep the project on track and ensure that funding is available at appropriate times.

The Sponsor will oversee the construction bid document development and will advertise the project for bids once the final plans are complete and approved.

The NHDOT's role is one of reviewer and financier. The NHDOT will review the project scope, estimate, timeline, and plans at various stages and will ensure that funding is available at appropriate times based on the established timeline.

Bi-annually, the Department publishes Status Reports for the CMAQ and TE Programs, which give a detailed listing of selected projects and their status. These Reports are available on the NHDOT website at [www.nhdot.com](http://www.nhdot.com) or upon request.




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*The opportunity to manage projects has been successfully and effectively utilized by project sponsors throughout the state. We look forward to this interest increasing.*

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### 1.3 Policy Goals

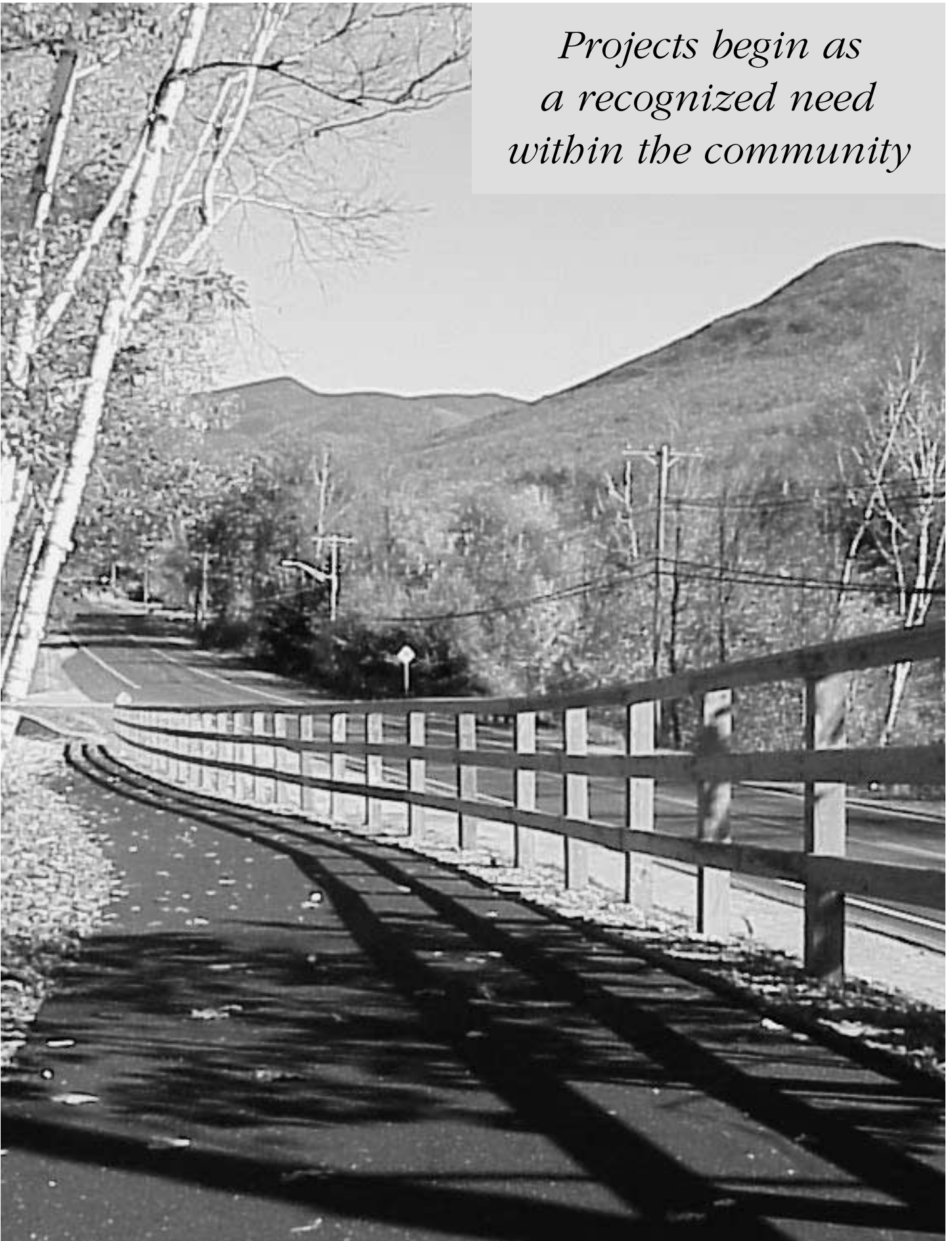
Federal law (ISTEA/TEA-21) has provided states increased flexibility in managing their transportation programs. Congress envisioned the program as opening a new era in transportation, and it has presented New Hampshire and the nation with real opportunities to enhance transportation-related quality of life activities, as well as to improve air quality and mitigate congestion.

The National Policy for Enhancements discusses creation of a national intermodal transportation system that "must be the centerpiece of a national investment commitment to create the new wealth of the nation for the 21st century." It defines this system as "all forms of transportation in a unified, interconnected manner...". The Enhancement Program reflects the commitment that transportation programs, while vital for national mobility and international competitiveness, must also be environmentally sound.

The NHDOT encourages local communities to be directly involved in TE and CMAQ projects. The goal is to more creatively and sensitively integrate transportation facilities into the surrounding communities. These activities present the opportunity to protect the environment and provide a more aesthetic, pleasant and improved interaction with the transportation system for the users and adjacent residents.



*Projects begin as  
a recognized need  
within the community*







*Portsmouth Trolley 12253 3-00*

# *Process Overview*

# Process Overview

*Sponsors managing  
their project take on the  
challenge to carry it  
through all stages, from  
application to construc-  
tion and maintenance*

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## 2.1 Summary

The following is a list outlining the process for Municipally Managed Projects. Depending on the project, each stage may be very simple or more complex. A project managed by the NHDOT goes through similar steps.

At first glance, this looks like a lot of red tape. However, the process is doable and can be a rewarding and learning experience! Please be prepared to give it a couple years and some work on your part.

STAGE	WHAT HAS TO BE DONE
Application	Review application guidelines. Write a short description of what your project entails, time line, staffing & budget and coordinate with your RPC.
Project Selection	Attend the TEAC/CMAQAC Public Hearing to support your project. Applicants will be notified of status of Project Selection. Successful projects will be programmed into N.H.'s Ten Year Transportation Improvement Program.
Municipal Agreement	Execute Municipal Agreement and receive Notice to Proceed. Now you can get reimbursed for eligible expenses!
Choose a Project Manager and Design Team	In-house or consultant - this person and/or team will manage the process, develop the design and contract documents, and oversee construction.
Planning and Engineering	Plan and design project, encourage public support, update timeline, and confirm scope of work.
Environmental Classification	Coordinate project with all relevant agencies and town/city boards on natural, socio-economic, and cultural (historical, archaeological) resources. Get sign-offs from appropriate officials.
Final Plans	Develop final plans. If a design exception** is required, document and request approval prior to finalizing plans.
Right-of-Way (ROW) Clearance and Utility Coordination	Obtain all necessary property rights required for the project, and coordinate with any utilities impacted by the project.
Final NHDOT approval	Submit final construction plans and bid documents with cost estimate, as well as certification for utility coordination and ROW clearance. NHDOT gives final approval.
Construction	Go out to bid according to Federal regulations. Get NHDOT approval for bid award. Oversee construction & sign off on completed project.
Final Reimbursement	Have a community celebration!

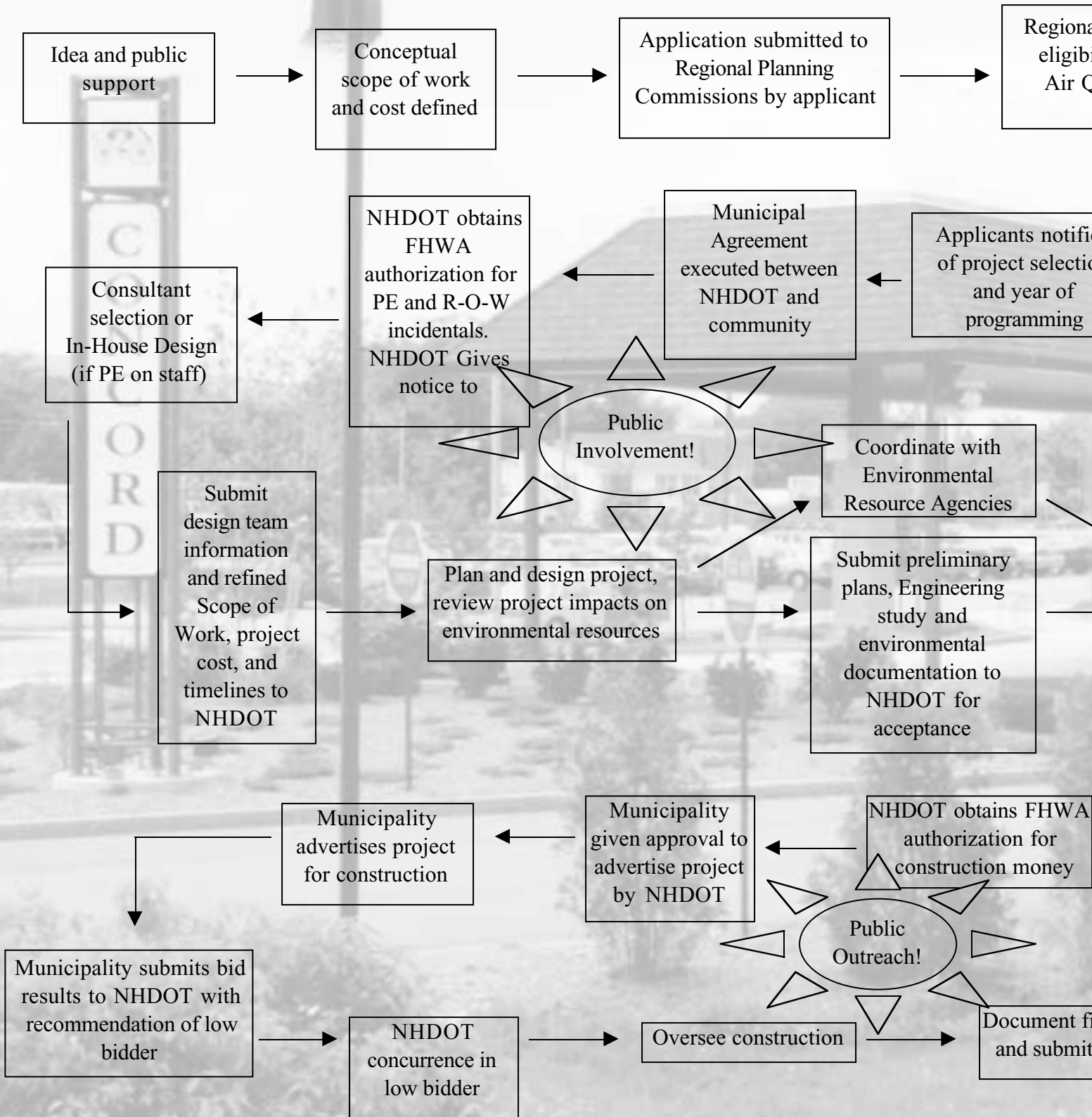
\*\*Design exception is a variance from normal design practices as recommended by AASHTO or the NHDOT's Design Manuals.



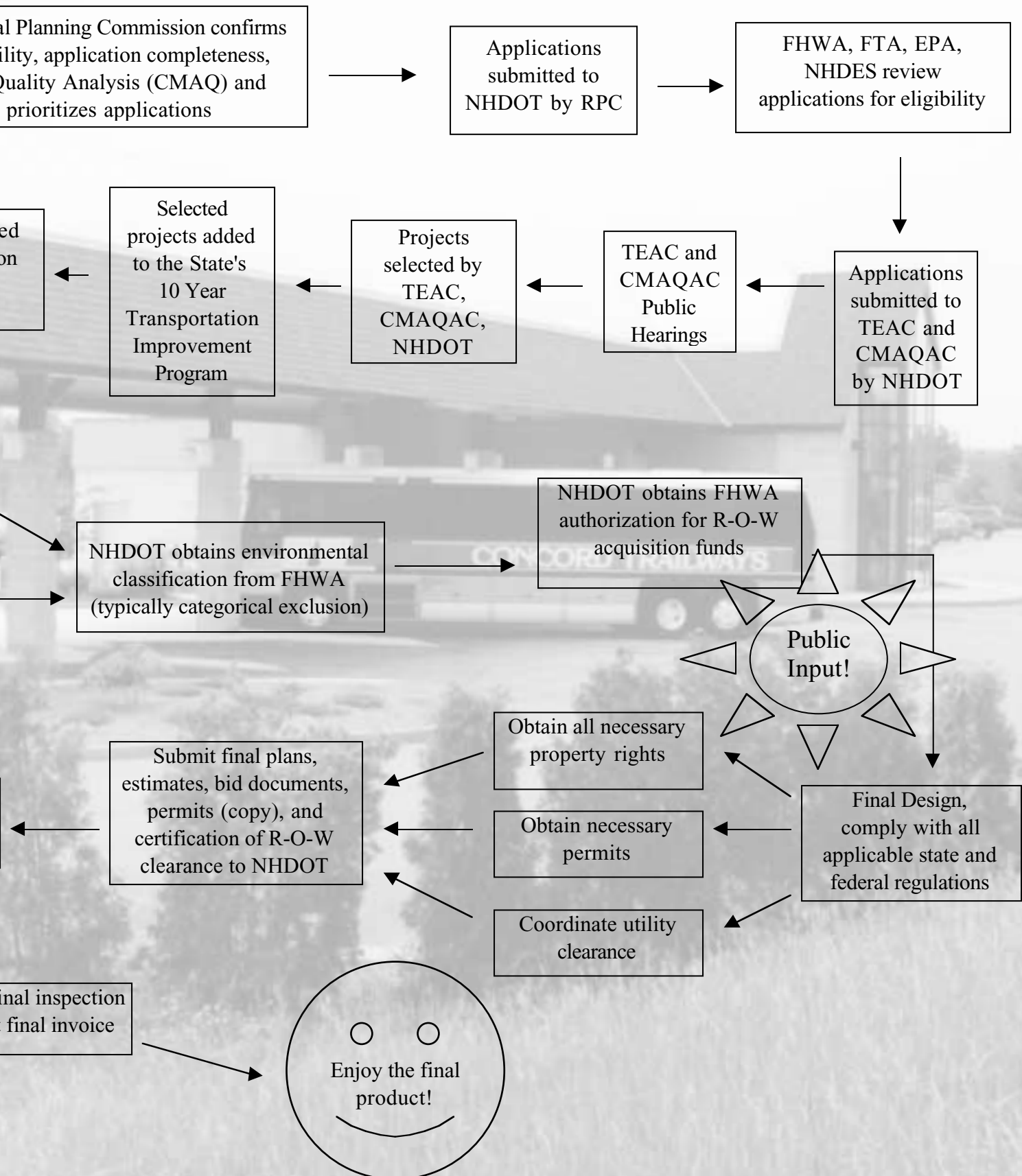
Renderings by Emine Bariskin Bilgili, City Planner & Urban Designer,  
Strafford Regional Planning Commission, 1999.

## 2.2 Flowchart of the TE/CMAQ Project Development Process

# TE and CMAQ PROJECT DEVELOPMENT



# DEVELOPMENT PROCESS





Renderings by Emine Bariskin Bilgili,  
City Planner & Urban Designer,  
Strafford Regional Planning Commission, 1999.



# *Project Selection*

# Project Selection

## 3.1 How Your Idea Gets To Be a Project

Most projects begin as a recognized need within the community, such as improved bicycle and pedestrian safety, increased public transportation, and preservation of historical transportation structures. Typically, the need is brainstormed into an idea, which is then tested for public support and interest throughout the community.

The projects, supported by communities, are then presented to their Regional Planning Commission (RPC). Cities, Towns, State Agencies, private industry and special interest groups can apply for funds. The RPC confirms the eligibility and the completeness of the applications, and rates the projects on a regional level. The RPC submits applications and ratings to NHDOT, which submits them to the Transportation Enhancement Advisory Committee (TEAC) and/or the Congestion Mitigation Air Quality Advisory Committee (CMAQAC) for review and rating at the statewide level. The FHWA and/or FTA must approve the project eligibility prior to final rating.

The TEAC is comprised of representatives of the Executive Council, the NHDOT, Division of Historical Resources, Regional Planning Commission and Designees from the Governor, Speaker of the House, President of the Senate, Department of Resources & Economic Development (DRED) and N.H. Municipal Association.

The CMAQ Advisory Committee is comprised of representatives from the Executive Council, the NHDOT, Regional Planning Commissions, and a Designee from the Department of Environmental Services.

The projects are recommended by the TEAC and/or CMAQAC, reviewed by NHDOT's Commissioner, and once approved by the Governor's Advisory Commission on Intermodal Transportation (GACIT), are incorporated into New Hampshire's Ten Year Transportation Improvement Program to be implemented in future years.

This selection process is conducted every two years. The TEAC/CMAQAC conduct Public Hearings on all of the project applications. After the Public Hearing, members of the advisory committees rate and prioritize all of the projects and send a list of recommended projects within anticipated funding constraints to the Commissioner of the NHDOT.

The Commissioner then sends a recommended list of projects to the Governor's Advisory Commission on Intermodal Transportation (GACIT). Once the projects are approved by the GACIT, they are placed in the State's Ten Year Transportation Improvement Program. Each applicant will be notified as to whether the project was selected or not. Funding for projects to begin is typically made available one to three years from the date of selection.

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The timeline for this two-year cyclic process begins in odd numbered years, and proceeds as follows:

<i>MONTH</i>	<i>YEAR</i>	<i>ACTIVITY</i>
June	Odd	RPC/NHDOT notification to potential sponsors of application availability.
August	Odd	Applications due to RPC.
October	Odd	RPC submits applications and ratings to NHDOT.
January	Even	NHDOT submits applications and ratings to TEAC/CMAQAC.
February	Even	Advisory Committees hold Public Hearings.
April	Even	TEAC/CMAQAC select projects and submit recommendations to Commissioner of NHDOT.
April	Even	NHDOT Commissioner submits recommendations to the GACIT.
May	Even	The GACIT approves projects, which then become part of the State's Transportation Improvement Program (TIP).
June	Even	RPC's include selected projects in their TIP's.
September	Even	Transportation Conformity process complete (where applicable).

### *Transportation Enhancement:*

#### **Projects that are eligible for this funding are:**

- Facilities for bicyclists and pedestrians;
- Provision of safety and educational activities for bicyclists and pedestrians;
- Acquisition of scenic easements and scenic or historic sites;
- Scenic or historic highway programs (including the provision of tourist and welcome center facilities);
- Landscaping and other scenic beautification;
- Historic preservation; rehabilitation and operation of historic transportation buildings, structures or facilities (including historic railroad facilities and canals);
- Preservation of abandoned railway facilities;
- Control and removal of outdoor advertising;
- Archaeological planning and research;
- Environmental mitigation to address and reduce both water pollution due to highway runoff and vehicle-caused wildlife mortality, while maintaining habitat connectivity; and,
- Establishment of transportation museums.

These types of projects are eligible for TE funding on a statewide basis. Our previous experience has brought some issues that applicants should also consider:

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*Most projects  
begin as a  
recognized need  
within the  
community.*

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- The project must relate to the transportation system, e.g., the movement of people and goods by various modes of travel, the preservation of the historic values in transportation, protection of the transportation system, etc.
- In some cases, maintenance projects may not be considered as Transportation Enhancements. For example, if a Town had installed a sidewalk many years ago and this sidewalk has fallen into disrepair due to neglect, the reconstruction of this sidewalk would be considered as maintenance and is not eligible for funding.
- When reviewing applications for bicycle paths/lanes, the RPC will look to see how this fits within the transportation network. Is it part of an overall community plan? Is it purely for recreational purposes, or does it also provide an opportunity to remove single occupant vehicles from the road? In the past, during the project selection process, several bicycle path/lane projects were recommended and accepted by the Governor's Advisory Commission on Highways. These projects were part of overall bicycle plans for the communities and would afford an opportunity for commuters to use an alternate mode of transportation. On the other hand, several applications were not selected because they involved the construction of bicycle paths/lanes totally within parks or recreation areas and could not be considered as Transportation Enhancements.
- Historic preservation projects have caused the TEAC some concern in the past project selection rounds. This concern has been basically in the area of the connection of the project with the transportation system. In general, if the project involves the rehabilitation and operation of historic transportation buildings, structures or facilities, then the final product should still be associated with the transportation system. In cases of historic preservation, the facility must have had strong ties to the transportation system at a point in its history.

### *Congestion Mitigation and Air Quality:*

#### **Eligible projects for this funding are:**

- Transit: construction, including parking for transit services, etc., equipment or operating expenses for new and improved services for a maximum of three years;
- Other shared ride: vanpool and carpool programs, and parking for shared rides services, etc.;
- Highway/road: traffic management and control services, signalization projects, intersection improvements, and construction and dedication of HOV lanes, etc.;
- Demand management: employer trip reduction programs, transportation management plans, flexible work schedule programs, vehicle restriction programs, etc.;
- Pedestrian/bicycle: sidewalks, trails, storage facilities, promotional activities, etc.;
- Extreme low-temperature cold start programs.
- Magnetic Levitation Transportation Technology Deployment Program projects.
- Outreach and marketing activities: Public education on transportation and air quality, advertising of transportation alternatives, marketing to increase use of transportation alternatives.

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For a more detailed guidance on the CMAQ eligibility criteria, please refer to the Website address <http://www.fta.dot.gov/fta/library/planning/enviro/cmaq.htm>, or contact your Regional Planning Commission (RPC) for assistance in interpreting eligibility and preparing an Air Quality Analysis.

For projects to be eligible for the use of CMAQ funds, it is required that the projects have a positive impact on air quality. An analysis of air quality benefits is required as part of the application. It must be kept in mind that a project should show a decrease in all pollutants assessed, i.e., a project which shows a decrease in Volatile Organic Compounds (VOC) but an increase in Nitrogen Oxides (NOx) will have to be examined very carefully to insure that there is a net decrease in pollutants.

The CMAQ Program is primarily intended for air quality improvements in non-attainment areas. Currently southern New Hampshire, the Seacoast, and the Manchester areas are the classified Ozone non-attainment areas in the State. The Federal CMAQ guidance in effect at the time of actual project selection will be used.

Eligibility criteria for these projects can change as the legislation is updated. Contact your Regional Planning Commission for the latest eligibility criteria, timeline, and applications for TE and CMAQ Funding. Appendix G includes a list of RPC's throughout the State. The RPC will assist with completing the application and ensuring your project gets off to a strong start.

### 3.2 Project Cost Estimates

The initial project cost estimate is developed by the Project Sponsor. The project cost estimate includes money for preliminary engineering (PE), right-of-way (ROW), as well as construction. This estimate is a very important step in the New Hampshire project development process. At each subsequent round of project selection there has been a marked improvement in estimating costs for projects. The cost estimate is included in the applications and is used during project selection. Once selected, the project estimate is used to place the project in the Ten-Year Transportation Improvement Program. It is critical that this estimate be reasonable and accurate, most importantly for the expectation that is generated when a project is selected. If a project estimate is not accurate, the project scope may have to be reduced or the project delayed or eliminated, which can lead to disappointment within the community.

Appendix A includes typical unit costs for projects, with typical engineering cross-sections to assist in the development of the construction portion of project cost estimates. The RPC, as well as NHDOT, stand ready to assist you in developing estimates.



*For projects to be eligible for the use of CMAQ funds, it is required that the projects have a positive impact on air quality.*





*As manager of the project, the sponsor can implement the project with a timeline that meets its needs.*



# *Project Development & Management*

# *Project Development & Management*

Projects are programmed in the State's Ten Year Transportation Improvement Program with funding for preliminary engineering, right-of-way, and construction. Funding for preliminary engineering and right-of-way is typically available in one to three years from the date of project selection, and construction funding in three to five years.

When this funding becomes available, the project can get underway. The information that follows highlights multiple aspects of a project as it proceeds.

## *4.1 Project Management*

Sponsors are encouraged to oversee the management of their projects. In doing so, the Sponsor has a better opportunity to lead the decision-making process. With such an arrangement, decision-making can be more efficient and more effective without the NHDOT reconciling issues at every step of the process. As manager of the project, the Sponsor can implement the project with a timeline that meets its needs. Each Sponsor will establish a timeline for their project. The NHDOT will work to accommodate the Sponsor's schedule and assist the Sponsor in securing the appropriate approvals throughout the process. In addition, the NHDOT will assist in ensuring that all appropriate Federal and State regulations are met so that project funding is not jeopardized.

Projects located on a State-owned facility can, in some cases, be managed by the Sponsor. These projects will likely have more overview and input by the NHDOT than a project located on a Municipally owned facility.

Transit type projects will likely be transferred to the Federal Transit Administration (FTA) for oversight. In these cases, the Sponsor will need to manage the project following the procedures and guidelines of FTA. The NHDOT Bureau of Rail and Transit will provide assistance upon request.

In the case where the Sponsor cannot manage the project, the Sponsor can request that the NHDOT take on this responsibility. The project will be assigned to a NHDOT Project Manager and be absorbed into the overall NHDOT Program. The NHDOT will work hard to accommodate local projects in a reasonable manner; however, depending on Department priorities and workloads, local projects may experience some delay. The preference would be that local projects be managed locally, while more regionally based projects (generally on State or Federal transportation systems) be managed by the NHDOT.

Transit type projects will likely be transferred to the Federal Transit Administration (FTA) for oversight. In these cases, the Sponsor will need to manage the project following the procedures and guidelines of FTA. The NHDOT Bureau of Rail & Transit will provide assistance upon request.

In general, the whole process to bring a project from the approval of an idea to construction can take up to three years. This includes time for regular public involvement, submission review by the NHDOT, environmental documentation, permit application and issuance, and FHWA funding authorization. The Flow Chart in Chapter 2 provides a more detailed list of project steps.

## *4.2 Reimbursements*

The TE and CMAQ Programs are reimbursement programs. Sponsors will provide invoices to NHDOT for reimbursement of those project costs, which are eligible for Federal funding under this particular program. Only costs specifically associated with the implementation of the project can be charged to the project, such as preliminary and final engineering, environmental impact analysis, right-of-way acquisitions, construction engineering and services, and construction. Costs incurred prior to Project Selection and Notice to Proceed will not be reimbursed.

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The NHDOT will reimburse the Municipality 80% of costs incurred provided the costs are appropriate and are within an acceptable range for the type and magnitude of the project. The Municipality must submit an invoice and progress schedule to request reimbursement. Invoice and progress schedule format details are included in Appendix E - Billing Procedures.

There are times when a portion of the Sponsor match for a project, can include what we call "soft match". Soft match can be donations of materials, land, or services that are considered part of the overall project. The items and their value must be documented to be part of the project scope and cost. The value is added to the total cost of the project and will ultimately be subject to the typical 80-20% split for funding. The request for soft match approval must be submitted to the NHDOT **PRIOR** to the work being done. The request should include the amount, documentation of how it fits into the overall project, how the work will be completed, and when. This request will be reviewed within the NHDOT, and the TE/CMAQ Coordinator will respond to the Sponsor. Once approved, the Sponsor must oversee the work, and maintain documentation of work and its value. Once completed, the Sponsor should submit this documentation for final approval of the credit amount. The amount of approved "soft match" becomes a credit that reduces the amount of cash required to match the federal funds (no reimbursement occurs).

There is a provision in the Federal Guidance dated December 1999 which allows the costs of preliminary engineering prior to project approval. The important aspect of this allowance is that the engineering must have been done with services obtained by a qualification based selection process in accordance with RSA 21-I:22.

Some special notes relative to construction reimbursements follow. The Municipality must withhold a retainage from the contractor payments. This retainage must be adequate to ensure contractor compliance with project completion. [For NHDOT construction projects, the NHDOT withholds retainage in the following manner: Beginning when the total of the amount payable reaches 50% of the value of the contract, a specified percentage (For contracts, amounting to \$200,000.00 and under, the percentage is 10%. For contract, amounting to over \$200,000.00, the percentage is 5%) is withheld.]

The retainage shall be released by the Municipality upon certification of final completion. The invoices submitted by the Municipality to the NHDOT shall indicate the amount of retainage being withheld. The Municipality will be reimbursed 80% of the retainage amount upon receipt of invoice indicating the retainage has been paid to the Contractor.

Upon final completion of the work, NHDOT inspection for conformity with the approved plans and specifications, and completion of as-built plans, the NHDOT will reimburse the balance of its share of qualifying costs. This reimbursement will be based on written confirmation from the Project Sponsor that the contractor agrees to the total final payment of the contract. Only work included in the approved bid documents as participating elements or extra work orders approved by the NHDOT shall qualify for reimbursement. Monthly partial payments for work completed to date will be allowed by the NHDOT.

Complete accounting records of a project must be kept by the Sponsor and must be available for review by State or Federal personnel if requested during a routine audit of the NHDOT's many programs. These records must include backup material to document all consultant expenditures. This includes both labor and direct expenses and is required for all consultants including sub-consultants.

**Note** - Any expenditures prior to Notice to Proceed from NHDOT cannot be reimbursed.




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*Sponsors are encouraged to oversee the management of their projects. In doing so, the Sponsor has a better opportunity to lead the decision-making process.*

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### *4.3 Cost Increase/Change in Scope of Work*

Each project, when placed in the State's Ten Year Transportation Improvement Program, has been approved for a specific scope of work and funding level based on the preliminary information submitted by the Project Sponsor. Changes in the scope of work must have the approval of the NHDOT prior to proceeding with the project, if the work involved is to be reimbursable. Substantial increases in project costs must be approved by NHDOT, the TEAC or CMAQAC, as appropriate. Substantial changes in scope of work may need to be approved by the TEAC or CMAQAC as appropriate, depending on the magnitude of the change.

### *4.4 Project Timetables*

Project Sponsors are expected to expeditiously pursue completion of their projects. Realistically, a project can take one to three years to complete from preliminary design to construction. Of course, this timeline varies with the complexity of each project.

The NHDOT stands ready to assist the Sponsor in this implementation at all stages. Contact the NHDOT TE/CMAQ coordinator with any questions.

### *4.5 The Municipal Agreement*

The Sponsor's Municipality and the NHDOT will execute a Municipal Agreement for the specific project, which defines each party's responsibilities and financial commitments. The Agreement shall be executed prior to proceeding with the project. Once signed, the NHDOT will issue a notice to proceed. Prior to this notice to proceed, work performed cannot be reimbursed.

Sample copies of these Agreements are included in Appendix B. They vary depending on who will be managing the project.

### *4.6 Consultant Selection*

Once the notice to proceed has been received, the next step is usually to procure the services of a qualified design professional. This can be a Municipal employee or this can be a consultant hired under a separate contract with the Sponsor. This person or firm should have experience in developing projects and be familiar with State and Federal regulations governing cultural, socio-economic, and natural resources, as well as be familiar with, and willing to gain knowledge about, any requirements specifically applicable to Federal Aid Highway projects, and must be a licensed professional engineer or architect in the applicable branch of engineering.

If the municipality decides to utilize their employees, they must develop a detailed estimate of hours and rate of pay necessary to accomplish the chosen tasks. This estimate must be reviewed with the NHDOT TE/CMAQ coordinator for approval.

Selection of a consultant to provide engineering, surveying, or architectural services must comply with RSA 21-I:22, "Selection of Engineers, Architects, and Surveyors." This RSA requires a selection process based on qualifications and not on fees. All consultant services other than engineers, architects, and surveyors shall be obtained by pre-qualified, low-bid procedures.

The intent of the RSA is represented by the following process:

Engineering, architectural, and surveying consultants to be considered for selection must demonstrate experience in the discipline required and have a licensed professional engineering or architectural staff registered in the State of New Hampshire in the branch classification required.





A minimum of three firms shall be selected to provide a brief technical proposal which should address the following issues: The firm's qualifications, project understanding, project approach, project schedule, and resumes of the project design team to be assigned to the project. This procedure may be supplemented with an interview of the firms being considered. Solicitation of the Request for Proposal (RFP) should include a description of the anticipated scope of work and mention necessary compliance to the NHDOT's Manual for CMAQ and TE Projects.

Upon review of the RFP's and completion of interviews, if so used, the Sponsor shall rate the firms in order of preference. The top-rated firm shall be notified of its standing and be requested to submit a fee proposal for services. The Sponsor shall provide the top-rated firm with a copy of appropriate portions of this Manual to insure that the Consultant understands the level of design detail and submittal requirements for NHDOT approval.

Should the Sponsor be unsuccessful in reaching a satisfactory negotiated fee with the top-rated firm, they may terminate negotiations without prejudice and commence negotiations with the second-rated firm. If no agreement can be reached with the second, they should move onto the third firm. Once negotiations are terminated with a firm, negotiations may not be reopened.

A copy of the negotiated contract fee for the project should be submitted to the NHDOT prior to execution so that the NHDOT may advise the Sponsor of any provisions or excess costs not qualifying for reimbursement.

The contract must include requirements pertaining to indemnification, insurance limits, and EEO. A copy of the executed contract must be maintained by the Sponsor, with all other project records, for future audit purposes. A copy should be forwarded to the NHDOT for information and invoice processing reference.

The above selection process may be waived upon approval by the NHDOT if the Sponsor has staff qualified to do the design or the Municipality has a consultant firm meeting the noted requirements under contract for general engineering services, and selection for those services conform to the procedure herein.

The NHDOT can answer any questions you may have regarding Consultant Selection. There is also information on Qualification Based Consultant Selection available on New Hampshire Qualification Based Coalition's website at [www.NHQBS.org](http://www.NHQBS.org).

#### 4.7 Design Procedures

The design of TE and CMAQ projects typically follows three major steps: Engineering Study, Preliminary Design, and Final Design. Each step is represented by documentation, which is submitted to NHDOT for review and approval. These steps can generally be described as follows:

**Engineering Study** - The Project Sponsor or consultant shall prepare an evaluation for the project, including the following:

- **Existing Conditions** - This section shall contain a description of the existing site and project concept to include width and length; type of facility, and amenities (i.e. structures, etc.); and general layout, including any significant geometric or topographical conditions. Special attention should be paid to existing drainage systems throughout the project area and how the proposed work will impact it. The Sponsor is encouraged to take "before" photos for future reference.
- **Design Criteria** - This section shall contain a listing of the relevant design criteria and manuals to be used.



### *The three major steps of design:*

- *Engineering Study*
- *Preliminary Design*
- *Final Design*



- **Environmental Review and Documentation** - All TE and CMAQ projects must undergo an environmental and historical review to document the probable effects of the project on natural and historic resources, and identify measures to avoid, minimize or mitigate effects. This review and documentation shall be conducted in accordance with all State and Federal environmental laws and regulations. The Sponsor is encouraged to contact the NHDOT Bureau of Environment at 271-3226 for guidance on the development of this documentation.
- **Proposed Layout** - This section shall include a description of the methodology and reasoning used to determine the proposed layout. The discussion shall include facility alignment, widths, lengths, and materials and impacts of the proposed facility, to include environmental and historical resources, utilities, other existing structures, and private property. The discussion should also include identification of construction impacts to traffic and any necessary traffic control plans.
- **Structure Studies and Recommendations** (for retaining walls, bridges, etc.) - Structure types studied shall be indicated in narrative and the recommended structure type shown in plan, elevation, and typical section along with the requisite reasoning. The typical section shall portray the components of the structure and materials of construction. Borings shall be taken if they are determined necessary by the Municipal representative or consultant. The number and content of the boring logs shall be sufficient to present a reasonable accurate picture of subsurface conditions. The study shall also address issues of hydraulics and constructability.
- **Cost Estimate** - An itemized cost estimate shall be furnished for the proposed facility layout and components

**Preliminary Design** - Preliminary plans, which may later be incorporated into the final plans, shall be prepared and shall include, but not be limited to:

- a) Location plan (small scale, as 1" per mile).
- b) General plan and profile.
- c) Typical and critical cross sections.
- d) Cross section of intersecting facilities.
- e) Cross section of the bridges and/or structures.
- f) Boring location and logs, if required.
- g) Survey detail and contours, if required.
- h) Hydrologic and hydraulic data.
- i) Documentation of proposed variance from minimum design standards, if applicable.
- j) Appropriate environmental/historical documentation should be prepared and submitted to the NHDOT for acceptance. (See Section 4.9 for more detail).
- k) Itemized cost estimate using, to the maximum extent practical, item number, nomenclature, description, materials, and construction requirements, which are contained in the Standard Specifications for Road and Bridge Construction, State of NHDOT, latest edition. Method of measurement and basis of payment for items used may be modified by Special Provision at the discretion of the designer. Special items unique to the project shall require their own Special Provisions. If the NHDOT Standard Specifications are utilized, the NHDOT Contract and Specifications Engineer should be contacted to obtain all pertinent supplemental specifications to be included in the contract documents prior to bid.

Plaistow 12142 11-99



**Final Design** - Following review of the Preliminary Plans, Final Plans and contract proposal, including specifications, shall be prepared and submitted to the NHDOT to review for general conformity. This submission shall include an up-dated project item list, a cost estimate, and a description of proposed variances from minimum design standards.

- **Bid Documents** - The contract proposal to be used to obtain a contractor by competitive low bid must include requirements for Davis Bacon wage rates, disadvantaged business enterprises, and equal employment opportunities. A hard copy of these contract provisions is available upon request from the NHDOT TE/CMAQ coordinator, or they may be accessed on the NHDOT website at [www.nhdot.com](http://www.nhdot.com). Appendix D includes additional guidance for construction procurement.
- **Finalized Plans and Contract Proposals** - Before final plans and contract proposals are submitted, they shall be independently checked in detail by experienced personnel, as appropriate, other than the original designer; and, if contracted services, they shall be reviewed by the consultant's supervising engineer in responsible charge of the project.

The Municipal engineer's or consultant engineer's licensed professional engineer stamp for the State of New Hampshire shall appear on the plans and contract proposal to be advertised. The stamp shall be that of the professional engineer who prepared the plans and contract proposal or under whose direct supervisory control they were prepared.



## 4.8 Design Standards

The design of projects must conform to applicable design standards and guidelines, which generally include, but are not limited to:

- American Association of State Highway and Transportation Officials (AASHTO) - A policy on geometric design of highways and streets;
- NTEC - National Transportation Enhancements Clearinghouse;
- RTC - Rails-to-Trails Conservancy;
- AASHTO - Roadside Design Guide;
- AASHTO - Guidelines for the development of bicycle facilities;
- ADAAG - American with Disabilities Act Accessibility Guidelines;
- FHWA - Designing sidewalks and trails for access;
- NHDOT Highway Design Manual;
- NHDOT Bridge Design Manual; and,
- Manual on Uniform Traffic Control Devices (MUTCD).

If a project proposes a variance (or design exception) from accepted design standards, the Sponsor must document the proposed variance. The proposal should discuss design standards and document why accepted standards cannot be met. The Sponsor must accept responsibility for this variance in design. The NHDOT must approve the proposed design variance prior to final plans being produced.

A design variance is more likely to be granted for a project involving a Municipally-owned facility. However, there may be situations on State-owned facilities that could warrant a design variance.

## 4.9 Environmental Coordination & Documentation

In accordance with the National Environmental Policy Act (NEPA) of 1969, it is NHDOT policy to assess the environmental impacts of transportation improvement projects that are funded or approved by

*The level of analysis  
required will be  
dependent on the  
nature and scope  
of the specific project.*



Federal agencies. Typically, the FHWA is the lead Federal agency for NHDOT projects; thus, NHDOT follows FHWA regulations (23 CFR 771) and guidance (Technical Advisory T6640.8A) for implementing the requirements of NEPA. Environmental documentation is required to address the natural, socio-economic, and cultural resource impacts. This documentation will also serve to record compliance with requirements of other environmental laws, including the Endangered Species Act, Clean Water Act, and National Historic Preservation Act, etc.

For environmental documentation purposes, projects are classified according to the expected significance of the environmental impacts. Usually, TE and CMAQ projects are processed as “categorical exclusion” (CE) projects, i.e., they do not have significant environmental impacts. The level of analysis required will be dependent on the nature and scope of the specific project. Under the Municipal Managed Process, municipalities (as Project Sponsors) are required to provide the appropriate environmental documentation. The documentation format and instructions for CE projects is outlined in Appendix C. An electronic version of the form is available, upon request, from the NHDOT TE/CMAQ coordinator. The Project Sponsor will be responsible for providing the completed form and all appropriate supporting information (e.g. letters from resource agencies). Evidence of compliance with applicable environmental laws and regulations is necessary to avoid eleventh hour delays and/or project sanctions.

Compliance with these applicable environmental regulations requires that the proposed project avoid impacts to natural and cultural/historical environmental resources wherever possible and practicable. Once the least damaging alternative is identified, the project should be reviewed for ways to minimize those remaining impacts. If the remaining impacts are significant, mitigation may be necessary. This process is particularly important relative to the wetlands permits given by the U.S. Army Corps of Engineers, which administers Section 404 of the Clean Water Act and the NHDES Wetlands Bureau, which administers the State wetlands permits.

Federal regulations that protect natural/cultural/historical resources include Section 4(f) of the U.S. DOT Act, Section 106/110 of the National Historic Preservation Act, and Section 6(f) of the Land and Water Conservation Fund Act. Due to recent expanded requirements for Section 106 – Public Involvement, the Sponsor should contact the New Hampshire Division of Historical Resources and the NHDOT Bureau of Environment to ensure that appropriate and continued coordination is undertaken.

At the State level, lands acquired through the Land Conservation Investment Program (LCIP) are afforded additional protection. The Sponsor should contact the New Hampshire Office of State Planning to determine if any properties within the LCIP program are impacted by the project.

If there are found to be impacts to any of the resources protected by these acts, then more involved and time-consuming analysis and documentation may be required.

The review of projects by State and Federal resource agencies is essential in determining the extent of environmental impacts and identifying the need for permits and other approvals. Project review meetings can supplement written correspondence. The Project Sponsor can arrange for such meetings, or avail itself of regularly scheduled (monthly) meetings hosted by the NHDOT (please contact the Bureau of Environment to secure a place on the agenda). **Note:** *These monthly meetings do not normally include local boards. Coordination with these entities will need to be done separately, as appropriate.*

The review and documentation process may take several months, depending on the complexity of the project. Upon completion of the process, the environmental documentation must be submitted to the Department. The Bureau of Environment will then request confirmation of the project classification from FHWA, if appropriate, based on the doc-

Wolfeboro 11923 11-99



umentation. Acceptance by NHDOT or FHWA, as appropriate, represents approval to advance the project to final design.

If all this seems a bit daunting, take heart. The Municipality may engage a consultant to perform these tasks. Also, the NHDOT will provide guidance throughout the development of the project. Although unexpected problems can arise, these types of projects usually proceed through the process with relative ease. Through normal evolution of the project, much of the coordination is second nature and a good “paper trail” will expedite the formal documentation effort. The NHDOT has implemented a Programmatic approach for classifying CE projects, which expedites the process. A list of questions pertaining to the environmental impacts of a project are evaluated. If the response to all questions is no, then it is likely the project qualifies to be classified as a Programmatic Categorical Exclusion. This expedites the process by eliminating the FHWA review and comment period. The NHDOT is responsible to classify the project and maintain adequate documentation.

Pages 1-3 of the Categorical Exclusion Documentation details the programmatic evaluation. Most Municipally Managed projects that qualify for this programmatic process will also require some level of additional documentation to allow the NHDOT Bureau of Environment to determine its appropriate classification. The value of this programmatic agreement is that the documentation will likely be less than that for a non-programmatic project. Instructions and forms are included in Appendix C, and also on the NHDOT website at [www.nhdot.com](http://www.nhdot.com) or contact the NHDOT TE/CMAQ coordinator.

Appendix C also includes a list of resource agency contacts and other people to assist you. A list of State and Federal regulations and requirements is also included.

#### 4.10 Public Involvement

The Sponsor is required to involve the public in the planning and design of their project. The Sponsor shall hold public meetings during project development to invite participation from the community. A well-informed community will help ensure a successful project. Although the number of public meetings is left to the Sponsor's judgment, a meeting to review the scope and then a meeting once design is well under way would be suggested. In most instances it is beneficial to target each property owner, so they can share any information unique to their property, as well as be aware of the project and its impacts. The NHDOT TE/CMAQ coordinator and maintenance district engineer should be notified of any public meetings. This is necessary to ensure input is provided at appropriate stages of project development. The Sponsor is also encouraged to invite participation at their meetings from the Society for Protection of New Hampshire Forests, New Hampshire Chapter of the Sierra Club, Audubon Society of New Hampshire, the Conservation Law Foundation and other such agencies.

#### 4.11 Right-of-Way (ROW)

Federal funds may not be spent on the construction of transportation projects until the Sponsor has acquired all the right-of-way and property rights needed for the project. The Sponsor must own or have an easement for the necessary property rights. Certification of right-of-way clearance is required prior to proceeding to advertise for bids for construction.

If you already own all property that will be impacted (even temporarily) by your project, you may write a letter attesting to these facts. That will act as right-of-way clearance required prior to advertising the project.




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*The majority of the  
TE/CMAQ projects  
are generated by the  
community and have  
substantial support  
by the community  
and affected abutters.*

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The ROW process varies according to the complexity of the project and depends on support for the project by the abutters impacted. It is extremely important to keep in mind that work cannot be performed on any private property without the owner's written consent. It is the purpose of this section to suggest processes through which the Municipality can acquire legal title to the property rights needed for construction and public use of the proposed project.

The majority of the TE/CMAQ projects are generated by the community and have substantial support by the community and affected abutters. In these cases, the process of obtaining property rights to construct the project is fairly simple and may include: identifying ownership; quantifying project impacts to property; negotiation; and documentation. The costs associated with this process are minimized because the impacts are typically minor, such as temporary or permanent easements.

A few of the TE/CMAQ projects may not have full public support and would require obtaining property rights through the eminent domain process, if the Municipality determines there is sufficient need for the project. This process is complex and labor intensive and must comply with many structured processes. The costs associated with this process can be substantial.

The following information is provided as an overview of the process. The process generally follows these steps: title abstracting; holding a formal Public Hearing (required for eminent domain); preparation of right-of-way plans, property valuation, relocation assistance, negotiation, acquisition, and documentation. The process must follow the Uniform Act Regulations, outlined in Appendix C.

Any questions the Municipality may have in any of the areas outlined herein may be directed to NHDOT's Right-of-Way Bureau.

**Title Abstracting** - The purpose of Title Abstracting is to determine the location of the existing right-of-way, property lines, and to determine the current ownership of the property.

Most TE/CMAQ projects will have minor impacts (permanent and temporary easements) required for the project. In these cases, the current property owner can typically be obtained through Town records, or the registry of deeds.

Projects that have substantial property impacts (purchase of right-of-way and large easements) must determine not only the current owner, but also property size, chain of title, mortgages, liens, attachments, easements and similar interests for each property.

The ownership information, when included with the detail of the construction plans for the project, will determine the areas of property rights to be acquired. This information is necessary in order to negotiate with current owners for property rights needed for the project.

**Public Hearing** *(required if acquiring property rights by eminent domain)* -

**If the Municipality is able to successfully negotiate with each affected property owner to obtain title to the needed property rights, then a Public Hearing is not required.**

A Public Hearing in accordance with RSA 231 is necessary if the Municipality is unable to successfully negotiate with the property owner(s) to acquire title to the needed property rights. The project details will be presented as well as property and environmental impacts associated with the proposed design. Following this procedure will enable the Municipality to acquire property rights in accordance with RSA 498-A, The Eminent Domain Procedure Act.

***Note:*** a "Public Hearing" in the Eminent Domain Process for a project, is different than the Public Hearings typically held by Municipal Boards.

Holderness 12298 10-00



**Plans** - It is necessary to prepare plans which depict the impacts to each property, including the area, location, and type of impact, which can be used as a basis of all written descriptions of property rights being acquired. This can typically be done on the projects plans. In rare instances, when the project is very complex, and the project plans do not allow additional information to be included, a separate set of plans should be developed to communicate the right-of-way information.

**Property Valuation** - The valuation of property rights that will be acquired by the Municipality should be established so as to determine a fair market value of those rights. This information can be obtained from a review and analysis of several sources of real estate data, including: (a) local property sales that are comparable to those properties affected by the project; (b) municipal property tax records and assessments; and, (c) real estate professional having knowledge of the local area.

**Relocation Assistance** - Personal property located within the new right-of-way limits may need to be relocated. Items of personal property that are located within the existing State right-of-way are considered illegal encroachments and these items are not eligible for reimbursement of moving expenses. Relocation of these items, especially outdoor advertising devices (signs), should be performed at the owner's expense. The Municipality should evaluate local policy regarding handling of personal property within the Municipality's right-of-way during the initial planning of the project.

It is suggested that if individuals, non-profit organizations, and businesses are intended to be displaced as a result of the project, the Municipality should discuss the situation with the NHDOT Chief Relocation Advisor to ascertain the potential costs, both in time and actual funds, of providing relocation assistance benefits in accordance with the pertinent laws and regulations, to all those that are displaced. These benefits can total significant amounts and the Municipality may need to reconsider their proposed layout or improvement to reduce some of these costs.

**Documentation** - The Municipality must retain copies of all deeds, easement, releases, negotiation notes, special agreements, and final right-of-way plans. This should also include an itemized listing of any and all payments (and receipt of these payments) made for the appraisal, relocation, and acquisition of all properties affected by this project. All deeds and permanent easements should be recorded at the county registry to establish the permanent record of these transactions.

Upon completion of the right-of-way acquisition and relocation or removal of all items of personal property, the Municipality shall submit a written statement to NHDOT, confirming that all needed property rights have been acquired. This must occur in order for the project to advance to construction.

**Note:** if the Sponsor requires sample documentation format, contact the NHDOT for assistance.

Hopefully, there will be public support for the project by both the property owners and community. This should result in successful negotiations for the needed property rights, and thereby allow the project to continue to completion for the overall benefit of the local community and the general public.

Once all negotiations are successfully completed, the Municipality must certify that all necessary property rights have been obtained to construct, use, and maintain the project. This certification is required prior to the project proceeding to construction.




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*The importance of  
public involvement  
throughout a project:*

*A well informed  
community will  
help ensure a  
successful project.*

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## 4.12 Utilities and Other Appurtenances

Utilities include all public or private lines or equipment, having the purpose of supplying the public with services, such as, power and telephone lines, cable television and fire alarm lines, water, sewer, and gas lines, as well as railroad lines. Other appurtenances include roadway drainage structures, such as, catch basins, culverts, drainage swales, retention ponds, or other components of a highway. Coordination is critical to maintain the continued operation of these items throughout the construction of a transportation project.

Almost all projects will impact on these types of facilities somewhere within the projects' limits. It is important that these facilities are identified and contacts with the owners made early in the project development process to allow the necessary time to work out the details of relocation or protection. The earlier the process begins, the more likely it is that the coordination will go smoothly. All coordination of utilities must be completed prior to advertising for construction.

## 4.13 Permits/Approvals

Once the final design of a project progresses to a point where impacts can be confidently quantified, permit applications should be processed and approvals pursued. The Municipality is responsible for obtaining all necessary permits and approvals prior to advertising the project for construction. These permits and approvals must be coordinated with the appropriate agency. For example:

- A Wetlands Permit from the N.H. Department of Environmental Services Wetlands Bureau
- 404 Permit from the U.S. Army Corps of Engineers;
- approval to work in a floodway or flood plain from the N.H. State Office of Emergency Management or the Federal Emergency Management Agency

Please refer to Appendix C for guidance on the Environmental Impact Summary Form, which outlines the various permits and approvals required.

You should allow a few months in your time schedule to obtain these permits from the time the permit application is submitted to the receipt of the permit. In recognition of the importance of the state's coastal resources you may need to allow for additional review time for projects located in the seacoast region.

## 4.14 Construction

In most cases, the Municipality shall contract out the work by a competitive bid process. There may be special cases where the scope of construction is very limited and straight forward, and a reasonable case can be made to allow Municipal forces to perform the construction by Force Account.

Force account for a municipal, county, or regional authority means that the agency constructs the project using their regular employees at regular salary. However, the following conditions must be met:

- It can be demonstrated that the cost of construction is less expensive than by other methods; and is in the best interest of the general public; and,
- The Town/Municipality must demonstrate that they are capable of doing the work completely and competently.

Berlin 12281 10-00





Written permission must be received for work to be done by force account. Requests to consider this option must be made to the NH DOT TE/CMAQ Coordinator and should include:

- Identification and description of the project and the kind of work to be performed.
- The estimated costs.
- The estimated Federal funds to be provided.
- The reason(s) that force account for such project is considered cost effective.

The majority of projects will be contracted out. Appendix D provides guidance for construction procurement to assist the Municipality through the process.

After all previous steps have been accomplished and the project design is complete, the following steps need to be taken:

- 1). The sponsor shall submit 3 copies of the final plans and certification of clearance of property rights and utility impacts to the NHDOT TE/CMAQ coordinator for approval. This submission should include a copy of the bid documents, which will include all necessary permits for project implementation, as well as the final estimate with contract items. This process may take several weeks, as the NHDOT must obtain FHWA authorization of funds.

**Note:** *The project cannot be advertised for bids until after NHDOT provides approval.*

The final plans should be kept as a permanent record as part of the sponsor's files. They will also be kept on file as public record by the NHDOT, Highway Design Records Section.

- 2). Upon receipt of approval, the Sponsor may proceed with advertising the work for bids with a copy of the bid advertisement sent to the NHDOT TE/CMAQ coordinator. A typical bid period is 3 weeks.

Potential bidders shall be required to meet established qualification standards in order to be an approved bidder on the project. Many Municipalities have standards that they utilize. Minimum standards of evaluation should include previous work experience, references, adequate staffing, bonding limits, and financial statements. The NHDOT's list of qualified bidders is available for reference if the Municipality has no established pre-qualification process. This list can be obtained by contacting the NHDOT's Bureau of Finance and Contracts.

- 3). After bids have been received, the Sponsor shall request NHDOT's concurrence for award of the contract to the low bidder.
  - A) In the event that bids are higher than PS&E estimate, Sponsor must get approval from NHDOT prior to proceeding. Consider municipal match and availability of federal funds. After receipt of concurrence, the Sponsor may sign a contract with the low bidder for the price bid on.
  - B) NHDOT TE/CMAQ coordinator will notify the Director of Project Development and Project Programming of low bid award.
- 4). The contractor may then proceed with construction in accordance with the plans and construction contract. During the construction, the Sponsor is responsible for construction supervision and oversight, although NHDOT or FHWA may periodically inspect the project for contract compliance. Typically, some level of construction services is included in the engineering consultant contract, specifically for consultation and any appropriate shop drawing review, as well as field inspection services.




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## ***Competitive Bid Process for Construction***

- ❖ *Sponsor submits final plans, proposal and estimate to NHDOT*
  - ❖ *NHDOT authorizes sponsor to advertise for bids*
  - ❖ *Sponsor issues advertisement (copy to NHDOT)*
  - ❖ *Sponsor submits bid summary with items to NHDOT*
  - ❖ *NHDOT concurs in low bid*
  - ❖ *Sponsor awards contract to low bidder*
- 



- 5). The Sponsor shall submit invoices and progress reports on a regular basis and withhold retainage from the contractor, as appropriate, as work progresses. The last invoice and report should include certification that all construction has been completed as designed and according to all Federal and State guidelines. (See Section 4.2, Reimbursements, and Appendix E for guidance on billing procedures.)
- 6). The Sponsor shall submit one (1) set of reproducible as-built plans (sepia's are not acceptable) to the NHDOT's Coordinator of TE and CMAQ projects. The as-built plans will be due following approval of the completed construction work and prior to final reimbursement of the Federal share of final construction costs.
- 7). Submit before and after photos to NHDOT TE/CMAQ coordinator.
- 8). Final reimbursement is authorized-celebrate!
- 9). Once final reimbursement is completed, the Department will proceed (NHDOT's Project Manager requests this through NHDOT's Bureau of Finance and Contracts) to close out the project. No charges will be allowed after project close out.

#### *4.15 Maintenance*

The Sponsor's Municipality will be responsible for the maintenance of the project after completion of construction. No Federal TE or CMAQ funding will be provided for maintenance activities.

#### *4.16 Cancellation of a Project*

Once a project is approved for inclusion in the State's Ten Year Transportation Improvement Program, the project is expected to move forward to construction. If, during the course of design, the Sponsor decides unilaterally not to continue with the project, or otherwise does not put forth a good faith effort to complete the project, the Sponsor may be required to reimburse the NHDOT for all Federal funds received for the project to that point in the process.

If both the NHDOT and Sponsor mutually agree that the project should be discontinued prior to construction due, for example, to unanticipated cost increases, environmental and/or cultural resource complications, or overwhelming lack of public support, the Project Sponsor may not be required to reimburse all Federal funds received to date.

Wakefield 12135 11-99

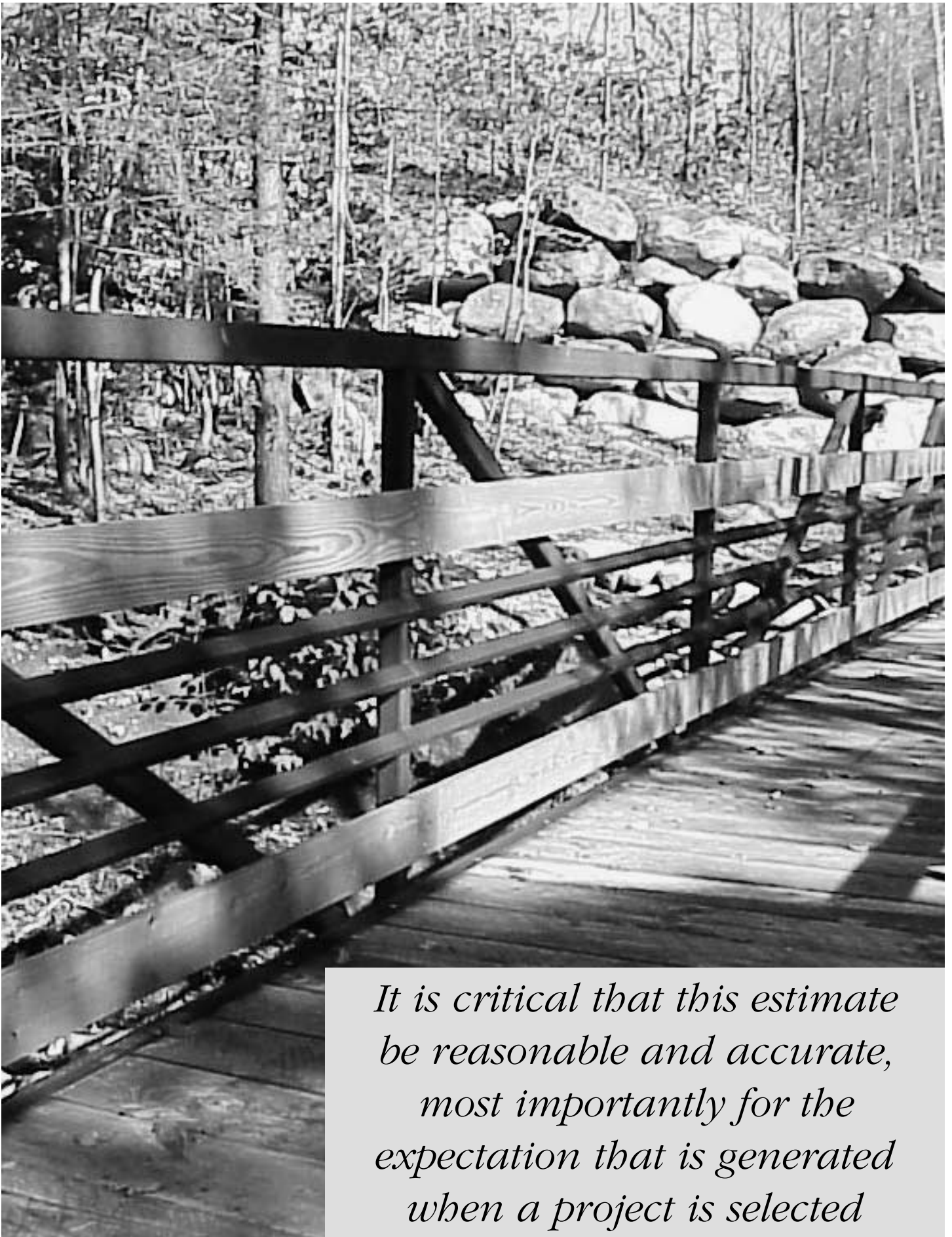


# *Appendices*

- A. Typical Unit Costs and Typical Sections**
- B. Sample Municipal Agreements for Town/City**
- C. Environmental Evaluation and Documentation**
- D. Guidelines for construction Procurement**
- E. Important Acronyms**
- G. Regional Planning Commissions in N.H.**



Statewide 12654 11-00



*It is critical that this estimate  
be reasonable and accurate,  
most importantly for the  
expectation that is generated  
when a project is selected*

# *Typical Unit Costs and Typical Sections*

*Included within:*

- **Typical Unit Costs for Pedestrian & Bicycle Facilities**
- **Engineering Typical Section for Sidewalk and Sidewalks with Grass Strips**
- **Engineering Typical Section for Shared Roadway Bikeway Shoulder**
- **Engineering Typical Section for Bike Path**
- **Typical Unit Costs for Reconstruction and Rehabilitation of Historic Bridges**
- **Typical Unit Costs for Landscaping Applications**
- **Railroad Real Estate Sales Transactions**



Exeter 12684

11-99

# Typical Unit Costs and Typical Sections

## Transportation Enhancement Projects

The attached typical sections and typical unit costs are provided to assist potential applicants for projects in estimating costs. These typical unit costs reflect the average costs of Transportation Enhancement projects constructed to date. The actual cost of a project, especially projects for bicycle and pedestrian facilities is a very individual thing.

Project costs vary widely, depending on the specific conditions for the projects.

Some variables to consider as you estimate the cost are:

- How well defined is the project scope? (This has an impact on the design costs)
- Is the right of way already owned by the sponsor?
- Are there environmental impacts by the project that will need to be quantified, minimized, documented, and perhaps avoided and/or mitigated? (This included wetlands, but also historic and archaeological, among others)
- Is there drainage that needs to be constructed and or improved, and treated?
- Will there be landscaping or other amenities included such as special lighting, or furniture?
- Will there be any roadway work necessary?
- Do any utilities need special accommodation or relocation?
- There can be cost savings in large quantities. You may want to consider increasing the estimated costs for projects requiring small quantities.

Lincoln 12131 10-00



# TRANSPORTATION ENHANCEMENT PROJECTS

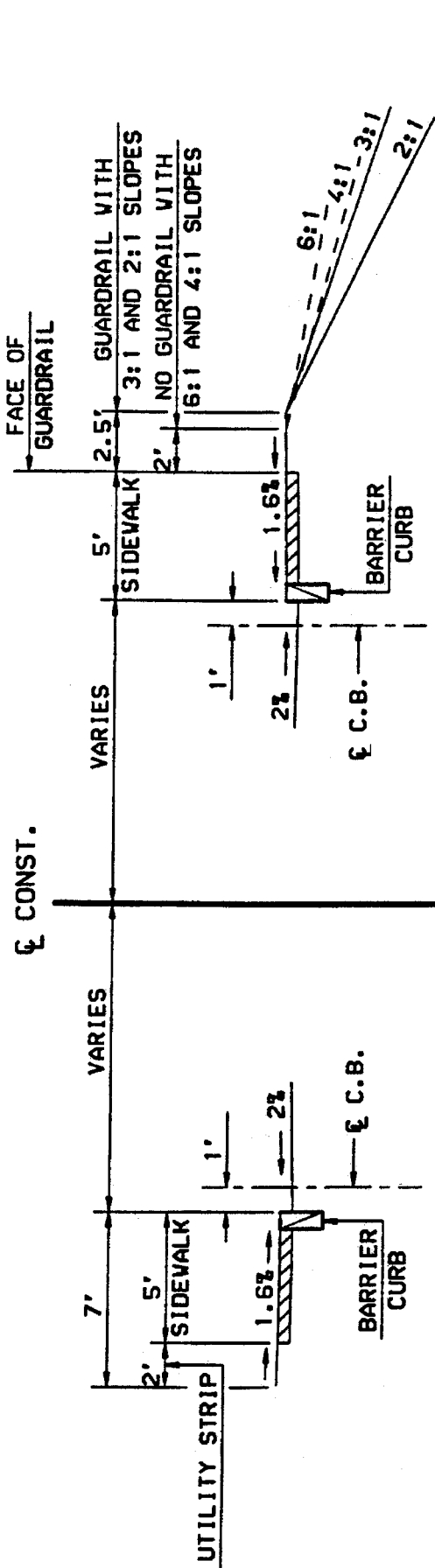
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## Typical Unit Costs For Pedestrian And Bicycle Facilities

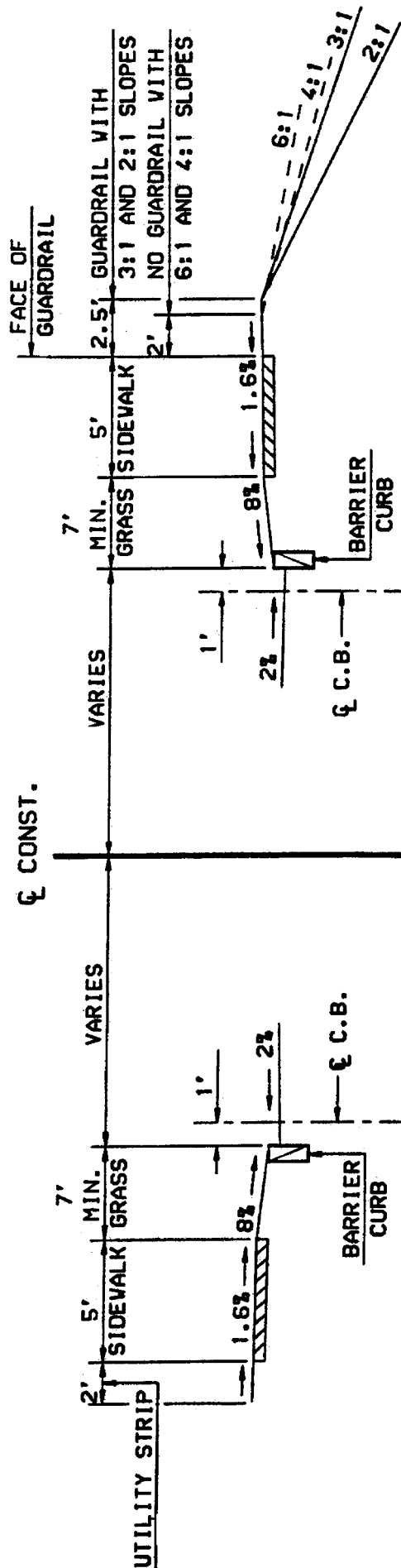
New Bituminous Sidewalks		
Description	Weighted Cost (\$/LF)	Range of Average Cost (\$/LF)
5' wide curbed bituminous sidewalk with 4' shoulders	\$140	\$110-155
5' wide curbed bituminous sidewalk without shoulders	\$120	\$45-140
5' wide uncurbed bituminous sidewalk.	\$60	\$45-135
New Concrete Sidewalk		
Description	Weighted Cost (\$/LF)	Range of Average Cost (\$/LF)
8' wide curbed concrete sidewalk with shoulders (sidewalk and shoulders both sides)	\$382	\$235-549 LF
Existing Bituminous Or Concrete Sidewalk		
Description	Weighted Cost (\$/LF)	Range of Average Cost (\$/LF)
Rehabilitating existing 5' wide sidewalk	\$110	\$15-325
Bituminous Shoulders For Bicycles		
Description	Weighted Cost (\$/LF)	Range of Average Cost (\$/LF)
4' wide paved shoulders (both sides) for shared bicycle use.	\$65	\$55-415
Multi-use Path		
Description	Weighted Cost (\$/LF)	Range of Average Cost (\$/LF)
Paved independent multi-use path for pedestrians and non-motorized vehicles 8' to 10' in width.	\$45	\$20-95
Constructing Bicycle Lockers		
Description		Range of Average Cost (\$/LF)
Installation of bicycle lockers (cost/unit varies depending on the number of bicycles it accommodates). A recent project specified 4 units each having a 2 bicycle capacity. Average cost based on this project.		\$ 2,150/UNIT

-Preliminary engineering and right of way expenses are included in the above estimated costs.

-Curbing is granite.



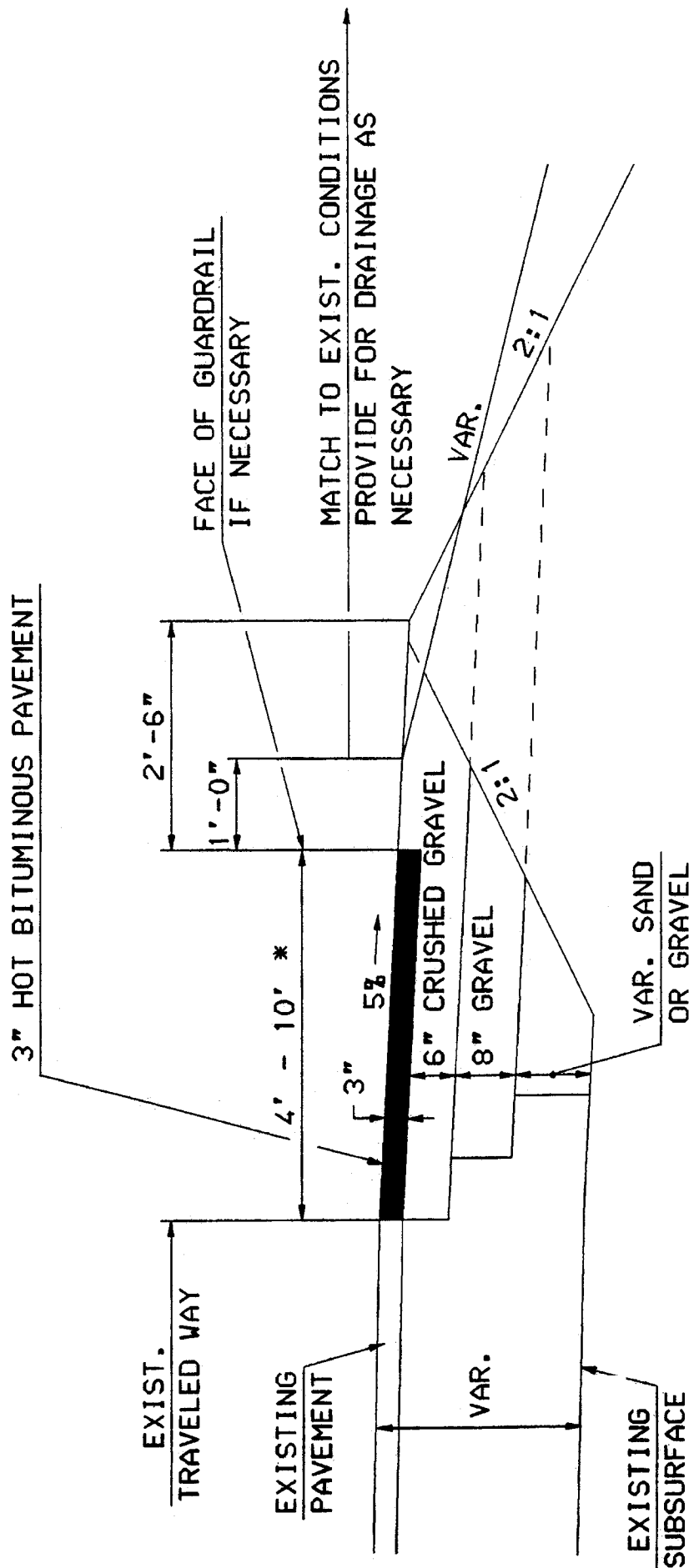
## SIDEWALK



## SIDEWALK AND GRASS STRIP

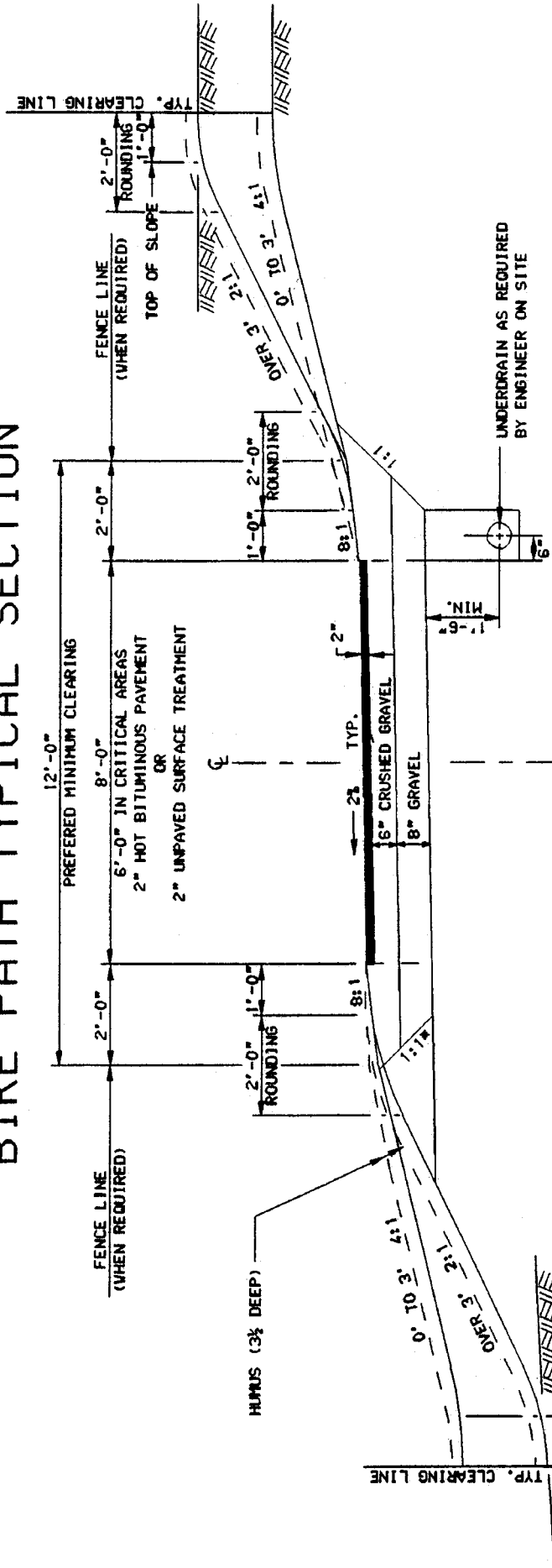


# SHARED ROADWAY BIKEWAY TYPICAL SECTION

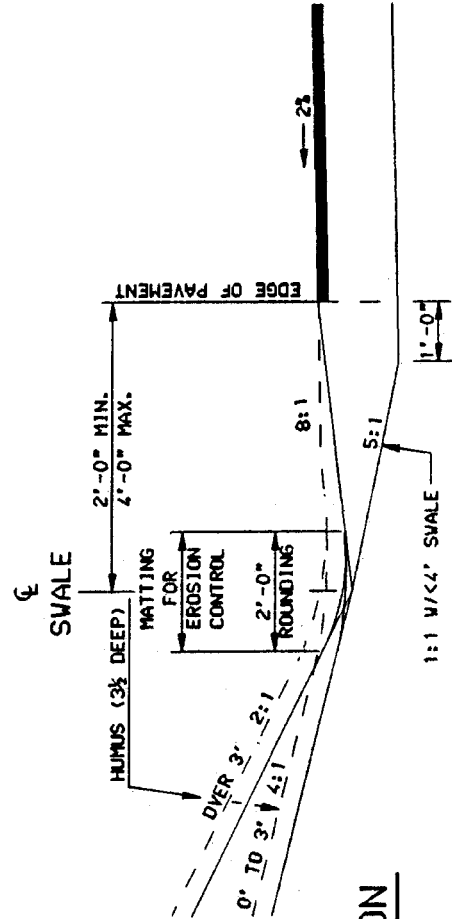


\* VARIES, DEPENDS ON AADT  
(SEE "SELECTING ROADWAY  
DESIGN TREATMENTS TO  
ACCOMMODATE BICYCLES"  
FHWA, JAN. 1994)

# BIKE PATH TYPICAL SECTION



FOR SLOPES FLATTER THAN 2:1



## CUT SWALE SECTION

## TRANSPORTATION ENHANCEMENT PROJECTS

### Typical Unit Costs For Reconstruction And Rehabilitation of Historic Bridges

Rehabilitation Of Existing Timber Covered Bridges		
Method Of Measurement	Work Included	Average Cost**
Based on square footage as determined by the product of the distance center-to-center of trusses and the span distance out-to-out of timber cover.	Replacement of: Bottom chords, selected lattice members, roof rafters and connections, siding, bearing blocks, floor beams, and floor planks.	\$250/SF
Rehabilitation Of Existing Steel Truss Bridges		
Method Of Measurement	Work Included	Average Cost**
Based on square footage as determined by the product of the distance center-to-center of trusses and the span distance between bearings	Replacement of: Deck, deck support system, back walls, and touch-up painting.	\$145/SF
Rehabilitation of Existing Steel Truss Bridges (including removal of lead based paint)		
Method Of Measurement	Work Included	Average Cost**
Based on square footage as determined by the product of the distance center-to-center of trusses and the span distance between bearings.	Replacement of: Deck, deck support system, selected members, and backwalls. Also removal of lead-based paint and repainting.	\$275/SF
Construction Of Pedestrian/Bicycle Steel Truss Foot Bridges		
Method Of Measurement	Work Included	Average Cost**
Based on square footage as determined by the product of the rail-to-rail distance and the span distance between bearings.	Complete new construction of steel truss pedestrian/bicycle foot bridges.	\$210/SF
Fire Protection Systems For Timber Covered Bridges		
Method Of Measurement	Work Included	Average Cost**
Based on linear footage as determined by the distance out-to-out of timber cover.	Complete fire protection system	\$135/FT

\*\*Preliminary engineering not included

S:\FORMS\FORMS\TRANHIST.DOC

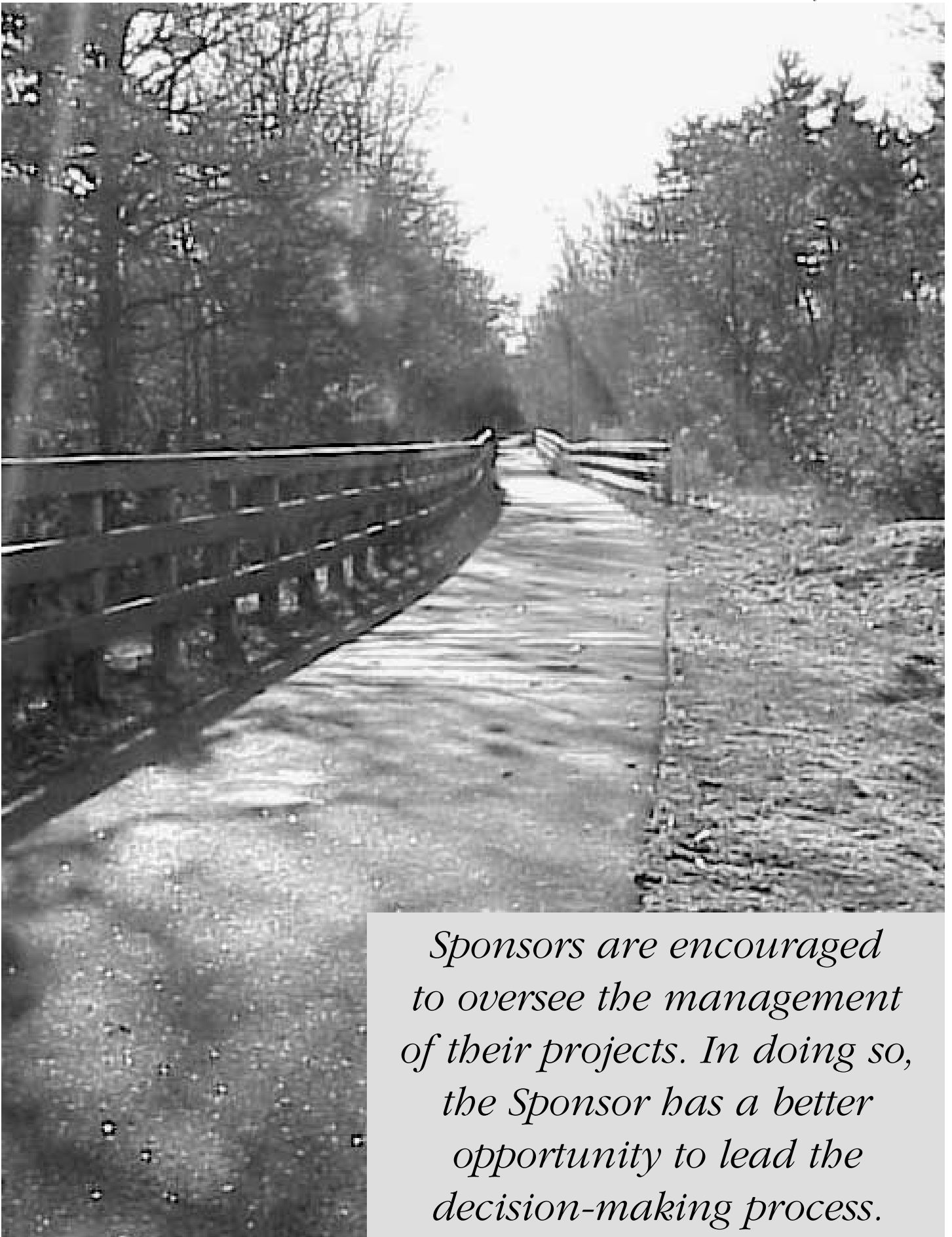
# TYPICAL COSTS ASSOCIATED WITH LANDSCAPING APPLICATIONS ON CONSTRUCTION PROJECTS

FUNCTION		PURPOSE	DESCRIPTION	TYPICAL COST*
Visual Screening		Landscaping used to visually restrict or minimize the view of an undesirable object, scene or location.	Typically a single row of evergreen material (trees) is used because of it's year round effect. <i>Hemlock</i> (5'-6' b&b, 14 per 100 l.f.) and/or <i>Arborvitae</i> (5'-6' b&b, 20 per 100 l.f.) are the most often used evergreens because of their "ground-to-top" foliage.	\$3,500 +/- per 100 linear feet
Headlight Screening		Landscaping used to minimize the effect of oncoming vehicular traffic headlight glare.	In Interstate median situations, typically tight branch structured deciduous shrub plant material. <i>Tallhedge Buckthorn</i> , <i>American Cranberrybush</i> , and <i>Honeysuckle</i> (5'-6' b&b, 20 per 100 l.f.) are frequently used. In residential instances, aesthetics are more of a consideration with mixed evergreen/deciduous material.	\$3,000 +/- per 100 linear feet
Natural Snow Fence		Plant material used as a substitute for traditional snow fencing material, used to minimize drifting.	Typically, two staggered rows of evergreen material (trees) such as <i>White Pine</i> , <i>Austrian Pine</i> , <i>Red Pine</i> , <i>Arborvitae</i> , and <i>Hemlock</i> (5'-6' b&b, 20 per 100 l.f. afford an effective natural fence to minimize snow drifting.	\$1,800 +/- per 100 linear feet
Sound Attenuation		Landscaping used to visually restrict a view can psychologically serve to mitigate sound concerns.	Landscaping as a sound attenuation device has little or no perceptible effect in plantings of anything less than 100' of dense material. The psychological effects of not seeing the sound source contribute to mitigating any problem.	see "Visual Screening" above
Crash Attenuation		Plant material used to abruptly slow an out-of-control vehicle from more severe impacts.	Deciduous shrub material with relatively dense branch structure afford the best opportunity to absorb the impact and slow the speed of a vehicle. <i>Autumn Olive</i> , <i>Bayberry</i> , <i>Honeysuckle</i> , and <i>Cranberrybush</i> (4'-5' b&b, 100 plants per 2500 s.f.) are frequently used.	\$3,700 +/- per 2500 s.f.
Traffic Guidance		Landscaping used to psychologically direct or guide a driver along a desired path.	This planting can be as simple as a single tree or shrub used to alert a driver about a decision point, to a substantial landscaping effort over an extended distance to guide a motorist through an area. "Driver Alert" plantings are often unusual, flowering or bright foliage materials ( <i>Crabapple</i> (3" cal.), <i>Cranberrybush</i> (4'-5' b&b), <i>Burning Bush</i> (4'-5' b&b), etc), while "guidance" plantings are subdued ( <i>Pine</i> , <i>Hemlock</i> , <i>Ash</i> , <i>Maple</i> , (5'-6' b&b, 10 per 100 l.f.).	\$1,400 +/- per "Driver Alert"  \$2,000 +/- per 100 l.f. "guidance
Asthetic Considerations		Landscaping as replacement for materials taken or to minimize construction impacts.	Planting schemes used as mitigation for individual property owners vary greatly from parcel to parcel. In most cases individual predicaments are addressed as noted above. Pure aesthetics are typically addressed by planting a few trees and shrubs on small residential lots. <i>Maple</i> (3" cal.), <i>Flowering Crabapple</i> (2" cal.), <i>Burning Bush</i> , <i>Forsythia</i> , and <i>Hybrid Lilac</i> (4' -5' b&b) are some of the plants that are frequently used.	Typical price per plant: 3" cal. Maple \$700. 2" cal. Crabapple \$400. 4' -5' Burning Bush \$150. 4'-5' Forsythia \$ 85. 4'-5' Lilac \$ 85.
*Cost reflects material per AAN specifications, installation and typical industry standard 1 year maintenance/guarantee				

# TRANSPORTATION ENHANCEMENT PROJECTS RAILROAD SALES

MARCH 1, 2000

Recent Sales of RR Corridors								
Location	Miles	Acres	Price	Acq. Date	Price/Acre	Price/Mile	Notes	Avg. Cost Acre/Mile
<b>Sales to State of NH: Rural</b>								
Haverhill (Blackmount)	5.7	65	\$207,154	1997	\$3,187	\$36,343		
Madison (Conway)	8.4	70	\$55,000	1995	\$786	\$6,548		\$ 3,011
Rochester-Farmington (Farm.)	6	57	\$200,000	1997	\$3,509	\$33,333		per Acre
Woodsville-Littleton (Berlin)	18		\$960,000	1996		\$53,333		
<b><i>Littleton-Groveton (Berlin-Groveton)</i></b>	36		\$2,200,000	1999		\$61,111	A	\$ 38,044
Rindge-Jaffrey (Monadnock)	8.6	81	\$500,000	1999	\$6,173	\$58,140		per Mile
Greenville-Mason	2	25	\$35,000	1999	\$1,400	\$17,500	B	
<b>Sales to State of NH: Urban</b>								
Seabrook (Hampton)	0.5	7	\$86,400	1996	\$12,343	\$172,800		
Nashua (Nashua)	1.25	11	\$350,000	1996	\$31,818	\$280,000		\$ 43,452
Manchester (Portsmouth)	0.1	0.6	\$84,575	1996	\$140,958	\$845,750		per Acre
Claremont (Concord-Claremont)	1.9	14.2	\$300,000	1997	\$21,127	\$157,895		
<b><i>Concord (White Mountain Br)</i></b>	0.75	7.33	\$390,000	1998	\$53,206	\$520,000		
<b><i>Lebanon (Northern)</i></b>	2.75	67	\$790,000	1999	\$11,791	\$287,273	C	\$ 349,707
Seabrook-Hampton (Hampton)	4.2	62.3	\$280,500	1999	\$4,502	\$66,786		per Mile
Manchester (Portsmouth)	2	13	\$934,300	1999	\$71,869	\$467,150		
<b>Sales to Third Parties: Rural</b>								
Barrington (Fremont)	0.4	4	\$6,000	1996	\$1,500	\$15,000		\$ 4,170
Barrington (Gonic)	0.34	4.2	\$1,500	1996	\$357	\$4,412		per Acre
Crawfords Purchase	1.9	23	\$58,000	1996	\$2,522	\$30,526		
Rindge (Monadnock)	0.08	1	\$10,700	1996	\$10,700	\$133,750		\$ 44,238
Weare (Goffstown)	0.2	1.3	\$7,500	1996	\$5,769	\$37,500		per Mile
<b>Sales to Third Parties: Urban</b>								
Concord (NH Main Line)		0.6	\$79,300	1996	\$132,167		D	
Dover (Sawyer)	0.4	4.6	\$19,200	1996	\$4,174	\$48,000		\$ 101,860
Manchester (Portsmouth)	0.23	2	\$200,000	1995	\$100,000	\$869,565		per Acre
Manchester (Manch-Lawrence)	5.9	56.27	\$1,908,000	1998	\$33,908	\$323,390		
Salem (Manch-Lawrence)		1.3	\$300,000	1998	\$230,769			\$426,868
Bedford (Milford Branch)	0.39	5.1	\$25,500	1998	\$5,000	\$65,385		per Mile
Nashua (WN&P)	0.05	0.2	\$41,400	1999	\$207,000	\$828,000		
<b><i>Bold Italic = Active Corridors</i></b>								
<b>Notes:</b>								
A: Actual sale price reduced for Federal rehab grant credit of \$900,000								
B: Purchased through right of first refusal								
C: Includes 22 acre rail yard								
D: Portion of corridor only								



*Sponsors are encouraged to oversee the management of their projects. In doing so, the Sponsor has a better opportunity to lead the decision-making process.*

# *Sample Municipal Agreements for Town/City Management and State Management*



Pembroke 12634 12-99

## *Transportation Enhancement*

AGREEMENT FOR

STATE PROJECT: \_\_\_\_\_

FEDERAL PROJECT: \_\_\_\_\_

THIS AGREEMENT, executed in ***triplicate***, made and entered into this \_\_\_\_\_ day of July, 2000, between the NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION, hereinafter called the "DEPARTMENT" and the TOWN OF \_\_\_\_\_ hereinafter called the "TOWN."

WITNESSETH that,

WHEREAS, the DEPARTMENT, and the TOWN have determined that a project for the construction of \_\_\_\_\_ is an eligible project for funding under the Transportation Enhancement Program created by the Intermodal Surface Transportation Efficiency Act of 1991, (ISTEA); and

WHEREAS, the TOWN desires to act as sponsor of said project; and

WHEREAS, the DEPARTMENT has established Transportation Enhancement Project (project #) for the afore-said project in the amount of \_\_\_\_\_ (\$00) with eighty percent (80%) of that cost coming from Federal Highway funds, such amount being \_\_\_\_\_ (\$00) and remaining twenty percent (20%) of that cost coming from the TOWN, such amount being \_\_\_\_\_ (\$00); and

WHEREAS, the DEPARTMENT desires to cooperate with the TOWN in accomplishing the project.

NOW, THEREFORE, in consideration of the above premises and in further consideration of the Agreements herein set forth by and between the parties hereto, it is mutually agreed as follows:

### **I. DUTIES AND RESPONSIBILITIES OF TOWN:**

- A. The TOWN shall manage the design, environmental study, right of way acquisition and construction of the project. This management is described in the current version of the "Manual for TE and CMAQ Projects" by the New Hampshire Department of Transportation and, by reference, is hereby made a part of this agreement.
- B. The TOWN shall provide or cause to provide for the future maintenance of the project as it was originally constructed once the work under this AGREEMENT is completed. Should operational adjustments be necessary, the TOWN agrees that no changes will be made without prior approval of the State and Federal Highway Administration. Should the facilities constructed under this agreement be used or converted to a purpose not specified in the project description without approval of the State, or should the property be disposed of by the TOWN without approval of the State, or if there is a default of any nature to this Agreement, the TOWN shall be required to reimburse the Federal Highway Trust Fund for all such funds expended under

this project.

- C. The TOWN agrees to maintain financial records pertinent to the development and construction of the project for up to three years beyond the completion of the construction, and to make the records available to the State and Federal Highway Administration upon request.
- D. The TOWN shall comply with all Federal and State laws and rules, regulations, and policies as applicable under the Federal Aid Highway Program for Federal Aid Construction Contracts.
- E. The TOWN shall submit invoices to the DEPARTMENT for eighty percent (80%) of the amounts paid to engineering, environmental and /or right of way consultants and construction contractors for the performance of the work set forth herein. The invoice structure shall include details of work completed consistent with contract Scope of Work, as well as backup information to support the charges. The TOWN shall certify that the invoices properly represent payment for work that has been done and paid for by the project sponsor.
- F. The TOWN shall defend, indemnify and hold harmless the DEPARTMENT and its officials, agents and employees from and against any and all claims, liabilities or suits arising from (or which may be claimed to arise from) any act or omission of the TOWN or its subcontractors in the performance of this agreement. Notwithstanding the foregoing, nothing herein contained, shall be deemed to constitute a waiver of the sovereign immunity of the STATE or the DEPARTMENT, which immunity is hereby reserved. This covenant shall survive the termination of this agreement.
- G. Non-Discrimination:
  1. No person, on the grounds of race, religion, color, sex, national origin or disability shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the use of said project.
  2. That TOWN shall not practice discrimination against the public in accommodations operated within the area of use.
  3. The TOWN shall implement and operate the project in compliance with all other requirements pursuant to Code of Federal Regulations (CFR), Title 49, Part 21-Nondiscrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said regulation may be amended.



## II DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT:

- A. The DEPARTMENT shall review the project's engineering plans, environmental documents and contract documents applicable to the Federal Highway and State requirements for a federally-funded project and submit appropriate documentation to FHWA to complete the NEPA process and receive Federal design approval.
- B. The DEPARTMENT shall, after receipt and approval of properly documented invoices, pay to the TOWN eighty percent (80%) of the total costs after the invoices have been certified by the TOWN as properly representing the work that has been done and paid for by the project sponsor.
- C. The DEPARTMENT shall obtain authorization of the project from the Federal Highway Administration.

## III. IT IS FURTHER UNDERSTOOD AND AGREED BETWEEN THE DEPARTMENT AND THE TOWN:

- A. That the TOWN will not enter into any Agreement with an engineering and/or environmental consultant for which costs the TOWN intends to be reimbursed, until such time that it receives written notice from the DEPARTMENT that the project has been authorized by the Federal Highway Administration.
- B. That the TOWN will not enter into any agreement with a construction contractor until such time that it receives written notice from the DEPARTMENT that the project has been authorized by the Federal Highway Administration.
- C. That neither the DEPARTMENT, nor the Federal Highway Administration will be responsible for any expenses or costs incurred by the TOWN under this Agreement prior to the date of DEPARTMENT'S written Notice To Proceed.
- D. That the maximum amount of funds available for this project for reimbursement under this Agreement from DEPARTMENT shall be \_\_\_\_ (\$00) with eighty percent (80%) of that cost coming from Federal Highway funds, such amount being \_\_\_\_ (\$00) and the remaining twenty percent (20%) of that cost coming from the TOWN, such amount being \_\_\_\_ (\$00). As the scope of the project is finalized or should the bids for the project exceed the amount budgeted, the DEPARTMENT agrees to review project costs for consideration of additional funding. Neither the DEPARTMENT, nor the Federal Highway Administration will be responsible for any expenses or costs incurred by the TOWN under this Agreement in excess of the above amounts unless additional funding is expressly authorized by the DEPARTMENT prior to the work being performed.

- E. That the TOWN may invoice the DEPARTMENT for incurred costs on a monthly basis and the DEPARTMENT will process these invoices for payment in an expeditious manner.
- F. That the TOWN agrees to commence the project within nine (9) months after the date of the Notice to Proceed and complete the project within three (3) years after the date of the Notice to Proceed. An extension will be granted should the TOWN need to request additional funding through the Transportation Enhancement Advisory Committee. Failure to meet either deadline without good cause may cancel the DEPARTMENT'S participation in this project, at the discretion of the DEPARTMENT. Any remaining funds will be forfeited. The TOWN is responsible for informing DEPARTMENT if any condition arises which may result in either deadline being unattainable.

IN WITNESS WHEREOF, the parties here have affixed their signatures, the Town of \_\_\_\_\_, New Hampshire, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and the Department of Transportation on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

### NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
Commissioner  
Department of Transportation

\_\_\_\_\_  
Selectman

### TOWN OF \_\_\_\_\_

By: \_\_\_\_\_  
Chairperson Board of Selectmen

\_\_\_\_\_  
Selectman

Date: \_\_\_\_\_  
Authorized to enter into Agreement as approved by Governor and Council

## Agreement

Agreement made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between the State of New Hampshire, Department of Transportation, hereinafter called the "State", and the **(Town/City/Organization)** of \_\_\_\_\_, hereinafter called the **(Applicant)**.

WHEREAS, financial assistance from the State is available from Federal Highway Fund allocations for the purpose of defraying a portion of the cost of a qualifying **(Congestion Mitigation/Air Quality)** [or] **(Transportation Enhancement)** Project titled **(name of project)**, and

WHEREAS, the State possesses the professional staff and expertise to effectuate full compliance with Federal and State laws and regulations.

WITNESSETH, that in consideration of the mutual covenants hereinafter agreed, and in the interest of the public in coordinating the actions and responsibilities of the State and the **(Applicant)** for the improvement of Transportation facilities in the State of New Hampshire, the parties to this Agreement do hereby agree as follows:

1. The **(Applicant)** shall provide proof of clear title of property and/or necessary easement rights to affect the work proposed under the project if other than existing highway right-of-way is involved, or right-of-way is not purchased as part of the project.
2. The State shall assist the **(Applicant)** in effectuating compliance with all applicable Federal and State laws and regulations relating to the location and construction of said Project and the acquisition of right-of-way, therefore, including, but not limited to the design or layout of said Project, the preparation of appraisal reports and negotiation with affected landowners.
3. The **(Applicant)** does hereby designate the State as its lawful and exclusive agent for the purpose of designing said Project either with in-house staff or consultant engaged services, and securing a general contractor for the actual construction of the Transportation Enhancement Project provided that the State shall not make design decisions, financial decisions or secure a general contractor for the Project without prior consultation with the Town.
4. All costs of the project shall be charged against the appropriately designated project account number in the Department of Transportation and reimbursement for costs shall be borne by the State and the **(Applicant)** in the ratio of 80% Federal Highway Fund allocation and 20% Town funds. In the event the project is canceled prior to construction and the town has not made a good faith effort to continue the project, then all costs incurred to date would be 100% (APPLICANT) funds
5. Provision of cost share funds to the State shall be in the following manner. The **(Applicant)**, if requested by the State, shall provide its share of estimated design costs prior to commencement of design activities and

further, the **(Applicant)** shall provide its full share of Project funds prior to construction and based on estimated project costs after receipt of bids.

6. The **(Applicant)** agrees, if the project is approved and constructed, by the State and Federal Highway Administration, that it will thereafter, at its own cost and expense, maintain the project as it was originally constructed.
7. The **(Applicant)** also, upon completion of the Federal Aid Project herein contemplated, agrees, obligates and binds itself to prevent any encroachments within the right-of-way limits.
8. The **(Applicant)** delegates to the Commissioner of the New Hampshire Department of Transportation the authority to control traffic within the construction zone of this project.
9. Engineering considerations are vital to proper maintenance and operation of these improvements. Should operational adjustments be necessary, the **(Applicant)** agrees that no changes will be made without prior approval of the State and Federal Highway Administration.
10. Should the facilities constructed under this Agreement be used or converted to a purpose not specified in the project description without approval of the State, or should the property be disposed of by the **(Applicant)** without approval of the State, or if there is a default of any nature to this Agreement, the **(Applicant)** shall be required to reimburse the Federal Highway Trust Fund for all such Funds expended under this project.
11. It is also agreed that the contents of this Agreement be spread upon the official minutes of the Board of Selectmen and a copy be filed with the State and Federal Highway Administration.

IN WITNESS WHEREOF, the parties here have affixed their signatures, the Town of \_\_\_\_\_, New Hampshire, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and the Department of Transportation this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

STATE OF NEW HAMPSHIRE  
Department of Transportation

By: \_\_\_\_\_

Commissioner

APPROVED BY GOVERNOR & COUNCIL

\_\_\_\_\_  
Date

TOWN OF

By: \_\_\_\_\_

Chairman, Board of Selectmen

\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

# *Environmental Evaluation and Documentation*



*Lincoln 12131 10-00*

*Included within:*

- **Detailed Instructions & Checklist for Programmatic Categorical Exclusion Determinations**
- **Helpful Hints on Non-Programmatic Environmental Impact Summary**
- **State and Federal Environmental Regulations**
- **Contacts for Environmental Information & Approval**

**Activities that qualify for Programmatic Categorical Exclusion**

CE Action Number	Activity Description
1	Activities which do not involve or lead directly to construction, such as planning and technical studies; grants for training and research programs; research activities as defined in 23 U.S.C. 307; approval of a unified work program and any findings required in the planning process pursuant to 23 U.S.C. 134; approval of statewide programs under 23 CFR Part 630; approval of project concepts under 23 CFR Part 476; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and Federal-aid system revisions which establish classes of highways on the Federal-aid highway system.
2	Approval of utility installations along or across a transportation facility.
3	Construction of bicycle and pedestrian lanes, paths, and facilities.
4	Activities included in NHDOT's "highway safety plan" under 23 U.S.C. 402.
5	Transfer of Federal lands pursuant to 23 U.S.C. 317 when the subsequent action is not an FHWA action.
6	The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
7	Landscaping.
8	Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.
9	Emergency repairs under 23 U.S.C. 125.
10	Acquisition of scenic easements.
11	Determination of payback under 23 CFR Part 480 for property previously acquired with Federal-aid participation.
12	Improvements to existing rest areas and truck weigh stations.
13	Ridesharing activities.
14	Bus and rail car rehabilitation.
15	Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
16	Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
17	The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.
18	Track and railbed maintenance and improvements when carried out within the existing right-of-way.
19	Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
20	Promulgation of rules, regulations, and directives.
21	Modernization of a highway by resurfacing, restoration or rehabilitation. <b>Note: Reconstruction is not included in this category.</b>
22	Bridge Rehabilitation. <b>Note: Reconstruction or replacement is not included in this category.</b>
23	Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.
24	Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.
25	Approvals for changes in access control.
26	Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
27	Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.
28	Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.
29	Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.
30	Acquisition of land for hardship or protective purposes; advance land acquisition loans under section 3(b) of the UMT Act. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.
31	Bridge Painting.
32	Construction of recreational trails funded under the National Recreational Trails Funding Program.
33	Transportation Enhancement Activities.

**Actions that do not qualify for Programmatic Categorical Exclusion**

Modernization of a highway by reconstruction, adding shoulders, or adding auxiliary lanes (e.g. parking, weaving, turning, climbing).
Bridge reconstruction or replacement, or the construction of grade separation to replace existing at-grade railroad crossings.
Transportation corridor fringe parking facilities.
Constructions of new truck weigh stations or rest areas.

**DETAILED INSTRUCTIONS**  
**FOR PROGRAMMATIC**  
**CATEGORICAL EXCLUSION**  
**DETERMINATIONS**

The *Categorical Exclusion Determination Checklist* should be completed for each assigned action that meets the “basic” criteria for possible processing as a programmatic categorical exclusion (i.e., the proposed action corresponds to one of the actions listed in the *Programmatic Agreement for Categorical Exclusion Approvals*).

**Description of Project**

Identify and describe the proposed action, including its location, termini and design aspects. This is important, to document the scope of the action at the time the programmatic categorical exclusion determination is made. If available, attach the *Engineering Report* to the checklist.

**Programmatic CE Criteria**

Gather supporting documentation, as appropriate, to address the questions enumerated in the checklist. Respond to each question by checking **YES** ☐ or **NO** ☐. Although a single **YES** ☐ response will disqualify the action for processing as a programmatic CE, complete the responses for all questions. This will provide a full record for future reference, in case the project scope is subsequently revised or the environmental parameters change.

Documentation (letters, memos, forms, etc.), as appropriate, should be attached to the checklist.

**Air Quality** - Actions must meet a two-part test with respect to potential air quality impacts. With regard to conformity, the action must be exempt from the requirement that a conformity determination be made. An action is exempt if it is a type of project listed in Table 2 in the final Transportation Conformity rules (40 CFR 93.126), or if it is in an attainment area but is not considered a “Regionally Significant Project” as defined in the final Transportation Conformity rules (40 CFR 93.101) or in those rules adopted by the New Hampshire Department of Environmental Services in accordance with the interagency consultation provisions required by 40 CFR 93.105. Such actions, when completed, are not expected to result in significant air quality impacts or contribute to violations of the National Ambient Air Quality Standards (NAAQS).

Projects similar to the types listed in Table 3 of the final Transportation Conformity rules (40 CFR 93.127) are exempt from regional emissions analysis requirements. However, their local effects with respect to carbon monoxide (CO) must be considered. A 1-hour microscale analysis is typically performed for these projects. The results of the 1-hour analysis will determine if an 8-hour microscale analysis is required. The need for an 8-hour CO analysis disqualifies the action for programmatic CE processing.

*Note:* The Bureau of Environment’s air quality analyst may be consulted to determine the proper response to the air quality questions.

**Cultural Resources** - Section 106 of the National Historic Preservation Act of 1966 and the Advisory Council on Historic Preservation’s implementing regulations (36 CFR 800) require

April, 2000

Federal agencies to take into account the effects of federal undertakings on properties eligible for or listed in the National Register of Historic Places. In doing so, these agencies, in cooperation with the State Historic Preservation Office, must make a "Determination of Effect" on all actions that use Federal funds or require Federal licenses, permits or approvals. A determination of "No Historic Properties Affected" qualifies the action for programmatic CE approval.

*Note:* The consultant should contact the State Historic Preservation Office within Division of Historical Resources to determine the proper response to the cultural resources question. In addition, the consultant may utilize the Bureau of Environment's monthly cultural resource meetings to for help in assessing impacts to cultural resources.

**Endangered Species** - The consultant will contact the NH Natural Heritage Inventory (NHNHI) and the US Fish & Wildlife Service (F&WS) to determine if species and/or critical habitat of species protected by the federal Endangered Species Act, the state Endangered Species Conservation Act of 1979 and the state Native Plant Protection Act of 1987 are present within the action area. If species/habitat are present, the consultant will follow up with the appropriate agency(ies) to determine the effect of the action. This may involve field investigations by qualified personnel and identification of special precautions, seasonal restrictions on work activities and/or mitigative measures. If it is concluded that the action will not impact these resources, the programmatic CE will apply.

*Note:* The consultant will need to contact the NH Fish & Game Department only if so directed by the Coordinator of the NH Natural Heritage Inventory Program

**Floodways** - The consultant will review the National Flood Insurance Program maps (Flood Insurance Rate Map [FIRM], Flood Boundary & Floodway Map, or Flood Hazard Boundary Map, as available) to determine if an action is located in a regulatory floodway. If so, a hydraulic analysis is necessary to determine if flood levels will rise or fall. The required level of analysis should be determined through consultation with the engineering staff and confirmed by the NH Office of Emergency Management (OEM) and/or the NH Office of State Planning (OSP). If the analysis concludes there will be no rise in the flood elevation greater than one foot over the established Q 100 floodplain elevation, as confirmed by OEM or the Federal Emergency Management Agency, as appropriate, the action does not encroach and qualifies for programmatic CE approval.

**Noise** - Federal regulations (23 CFR 772) and NHDOT policy require the consideration of noise abatement measures where traffic noise impacts have been identified in conjunction with a Type I highway project. A Type I highway project entail construction on a new location or the physical alteration of an existing highway that significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes. To qualify for programmatic CE approval, the proposed action must not be a Type I project.

*Note:* The Bureau of Environment's noise analyst may be consulted to determine the proper response to the noise questions.

**Right-of-Way** - To qualify for programmatic CE approval, actions must meet a two-part test with respect to potential right-of-way impacts. First, the action must not require the acquisition of residences or businesses. The acquisition of unoccupied buildings, including garages, barns, storage facilities, vacant domiciles, vacant commercial establishments, etc., will not preclude the use of the programmatic CE, unless such acquisition is deemed to have a substantial adverse effect on the value of the property or impedes the operation of business enterprises on the property. Second, if the action requires fee simple acquisition or permanent easements that will impair the function of the property, the programmatic CE will not apply. These right-of-way

April, 2000

“tests” are independent of any cultural resource, Section 4(f) or Section 6(f) impact determinations required for programmatic CE.

*Note:* As appropriate, an analysis of the effects of property acquisition should be completed and attached to the checklist.

**Section 4(f)** - Section 4(f) of the US Department of Transportation (USDOT) Act of 1966 does not allow “the use of land from a significant publicly owned public park, recreation area, or wildlife and waterfowl refuge, or any significant historic site unless a determination is made that there is no feasible and prudent alternative to the use of land from the property and the action includes all possible planning to minimize harm to the property resulting from such use.” “Use” is defined as a permanent easement, fee acquisition or “constructive use” of a property. “Constructive use” occurs when the proximity impacts of the action on the property, without acquisition of land, are so great that the purposes for which the 4(f) property exists are substantially diminished. Any use of 4(f) property will disqualify the action for programmatic CE processing.

*Note:* The lead USDOT agency, typically FHWA, determines whether 4(f) applies to an action. The Federal, State or local officials having jurisdiction over the 4(f) property make the significance determination.

**Section 6(f)** - The Land and Water Conservation Fund Act of 1965 provides for the preservation and development of quality outdoor recreation resources. Section 6(f) of the Act states, in part, that no property acquired or developed with funding assistance authorized by this Act shall be converted to non-recreational uses without the approval of the Secretary of Interior. If an action requires such conversion, it will not be eligible for programmatic CE approval.

*Note:* New Hampshire administers the state’s 6(f) lands through the NH Department of Resources and Economic Development (DRED), Division of Parks and Recreation. The State Liaison Officer at DRED should be consulted to determine if actions involve 6(f) lands and whether or not the proposed use of such lands constitutes a conversion.

**Water Quality** - Actions have the potential to impact water quality of both surface and ground waters. Impacts can be temporary (construction phase) and/or longer-term, and they can vary in magnitude. Typically, temporary impacts associated with small projects of short duration can be minimized by the effective use of proper erosion and sedimentation controls and storm-water management measures. These impacts should not result in substantial impairment of water quality. Such actions will normally qualify for programmatic CE approval. However, if the receiving waters are sensitive resources (e.g. Class A waters, as designated by the NH Department of Environmental Services [DES], public water supplies, etc.), the potential for temporary and/or long-term impacts is greater and the programmatic CE will not apply. Similarly, larger projects that affect sensitive resources or have the potential for sustained or cumulative impacts resulting from protracted construction operations or long-term, high-volume runoff will not be eligible for programmatic CE approval.

*Note:* Consult with DES, as necessary, to determine if sensitive water resources are present and to determine the magnitude of potential impacts.

**Wetlands** - Impacts to wetlands (i.e. dredge, fill, drain, etc.) require a permit from the NH Department of Environmental Services, Wetlands Bureau (NHWB), and/or the US Army Corps of Engineers (ACOE), in accordance with RSA 482-A and/or Section 404 of the Clean Water Act, respectively. To qualify for programmatic CE approval, the action must not require an Individual permit from the ACOE. If the action meets the criteria for the ACOE’s State Program General Permit (SPGP), or is not in the ACOE’s jurisdiction, it may qualify for programmatic CE

April, 2000

approval

*Note:* The consultant will contact the Department of Environmental Services' Wetlands Bureau to determine the potential for impacts to the jurisdictional areas. The consultant may also utilize the Bureau of Environment's monthly natural resource agencies meetings to determine permit threshold and mitigation requirements.

***Other*** - There may be other issues of concern that disqualify actions from programmatic CE approval. Such issues may include: substantial public opposition or controversy, excessive hazardous or contaminated materials involvement, impacts to Wild & Scenic Rivers or NH Designated Rivers, incompatibility with scenic roads, inconsistency with the Coastal Zone Management Program, unacceptable impacts to resources under the protection of the Lakes Management Program and/or Comprehensive Shoreland Protection Act, etc. The consultant should determine if these or other issues exist and whether or not the programmatic CE is applicable. Supporting documentation should be attached to the checklist, as appropriate.

*Note:* Consult with appropriate agencies, as necessary, to identify other issues and the magnitude of concern. The consultant may also utilize the Bureau of Environment's monthly natural resource agencies meetings to address pertinent issues.

### **Classification Determination**

Upon completion of the interdisciplinary review process, the consultant indicates on the checklist a recommendation of whether or not the action qualifies for a programmatic CE, by marking the appropriate checkbox and signing the checklist. The checklist should then be forwarded to the appropriate project manager at the NHDOT for review. If, after review, it is determined the project does not qualify as a Programmatic CE, the consultant will be notified and the project will then need to be addressed as an individual CE or other appropriate level of environmental documentation. If it is agreed the project qualifies as a Programmatic CE, the consultant will be notified of concurrence and the documentation will be recorded and placed in the classification file.

### **Environmental Commitments**

Environmental commitments for actions processed as Programmatic CEs will be recorded on the checklist, for future reference.

### **Classification Follow-Up**

If the project requires a Public Hearing, any decisions made as a result of the hearing should be reviewed to determine if the project will change in such a way as to disqualify it from Programmatic Categorical Exclusion classification. Post-hearing reviews are documented on page 3 of the checklist.

Likewise, changes made during Final Design may also disqualify a project from Programmatic CE classification. Under such conditions, the next appropriate level of environmental documentation must be completed.

April, 2000



## CATEGORICAL EXCLUSION PROGRAMMATIC DETERMINATION CHECKLIST

**Action/Project Name:** \_\_\_\_\_  
**Federal Project Number:** \_\_\_\_\_

**State Project Number:** \_\_\_\_\_  
**CE Action Number:** \_\_\_\_\_  
 (See page 15.)

**Description of Project** (Attach Location Map, As Appropriate):

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### PROGRAMMATIC CATEGORICAL EXCLUSION (CE) CRITERIA<sup>1</sup>

	NO	YES	If yes, then...
1a <i>Air Quality</i> – Does this type of action require a conformity determination? .....	<input type="checkbox"/>	<input type="checkbox"/>	See Sec. 1, page 6
1b <i>Air Quality</i> – Does the proposed action require an 8-hour CO analysis? .....	<input type="checkbox"/>	<input type="checkbox"/>	See Sec. 1, page 6
2 <i>Cultural Resources</i> – Does the proposed action have an effect on properties eligible for or listed in the National Register of Historic Places? .....	<input type="checkbox"/>	<input type="checkbox"/>	See Sec. 2, page 6
3 <i>Endangered Species</i> – Does the proposed action affect species and critical habitat of species protected by the Endangered Species Act, as determined through consultation with USF&WS, NHF&G, and /or NHHI, as appropriate? .....	<input type="checkbox"/>	<input type="checkbox"/>	See Sec. 3, page 7
4 <i>Floodways</i> – Does the proposed action <u>encroach</u> on the regulatory floodway of water courses or water bodies? .....	<input type="checkbox"/>	<input type="checkbox"/>	See Sec. 4, page 7
5 <i>Noise</i> – Is the proposed action a Type I highway project? .....	<input type="checkbox"/>	<input type="checkbox"/>	See Sec. 5, page 8
6a <i>Right-of-Way</i> – Does the proposed action require the acquisition of residences or businesses? .....	<input type="checkbox"/>	<input type="checkbox"/>	See Sec. 6, page 8
6b <i>Right-of-Way</i> – Does the proposed action require fee simple acquisition or permanent easements to an extent that impairs the functions of the affected properties? .....	<input type="checkbox"/>	<input type="checkbox"/>	See Sec. 6, page 8
7 <i>Section 4(f)</i> – Does the proposed action require the use of any property protected by Section 4(f) of the 1966 USDOT Act? .....	<input type="checkbox"/>	<input type="checkbox"/>	See Sec. 7, page 8
8 <i>Section 6(f)</i> – Does the proposed action require the use of any property protected by Section 6(f) of the L&WCF Act? .....	<input type="checkbox"/>	<input type="checkbox"/>	See Sec. 8, page 9
9 <i>Water Quality</i> – Does the proposed action have more than a negligible impact on surface waters? .....	<input type="checkbox"/>	<input type="checkbox"/>	See Sec. 9, page 9
10 <i>Wetlands</i> – Does the proposed action require an Army Corps of Engineers Individual Permit? .....	<input type="checkbox"/>	<input type="checkbox"/>	See Sec. 10, page 9
11 <i>Other</i> – Do any of the above conclusions benefit from more detailed explanation or are there other issues of concern? .....	<input type="checkbox"/>	<input type="checkbox"/>	See attached

☺ If the answer to all of the above questions is **NO**, the proposed action **qualifies for classification as a Programmatic Categorical Exclusion**. The Checklist should be completed (page 2, and page 3 when appropriate) and included in the Classification file.

☹ If the answer to any of the above questions is **YES**, the proposed action **does not qualify for classification as a Programmatic Categorical Exclusion**. In such cases, if the impact(s)/effect(s) leading to the disqualification are not significant; the proposed action may be processed as an Individual CE and the remainder of this form (beginning on page 4) should be filled out as appropriate..

<sup>1</sup> See *Detailed Instructions* for further explanations of the questions and documentation requirements.

Does the project require a Wetlands or Floodplains Finding? Yes ☐ No ☐

**ENVIRONMENTAL COMMITMENTS<sup>2</sup>**

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**CLASSIFICATION DETERMINATION**

☐ The proposed action qualifies for a Programmatic Categorical Exclusion.

☐ The proposed action does not qualify for a Programmatic Categorical Exclusion.

Prepared by:

\_\_\_\_\_  
Project Environmental Coordinator

\_\_\_\_\_  
Date

Approval  
Recommended By:

\_\_\_\_\_  
Section Chief

\_\_\_\_\_  
Date

Approved by:

\_\_\_\_\_  
Administrator, Bureau of Environment

\_\_\_\_\_  
Date

**Note: Post-hearing follow-up actions, if any, and their disposition, are indicated on the next page.**

<sup>2</sup> Attach letters, memos, forms, etc., as appropriate.

## FOLLOW-UP ACTION FOR PROGRAMMATIC CATEGORICAL EXCLUSIONS

Action/Project Name: \_\_\_\_\_  
Federal Project Number: \_\_\_\_\_

State Project Number: \_\_\_\_\_

Was a Public Hearing held? Yes ☐ No ☐

If Yes, date hearing transcript and certification provided to FHWA \_\_\_\_\_

As a result of the Public Hearing, have changes to the proposed action, if any, resulted in impacts/effects that do not meet the Programmatic Categorical Exclusion criteria? Yes ☐ No ☐

If the answer to the above question is **YES**, the proposed action **no longer qualifies for classification as a Programmatic Categorical Exclusion**. In such cases, if the impact(s)/effect(s) leading to the disqualification are not significant, the proposed action may be reprocessed as an Individual CE, requiring FHWA's concurrence.

If the answer to the above question is **NO**, the proposed action continues to **qualify for classification as a Programmatic Categorical Exclusion**.

### POST - HEARING CLASSIFICATION DETERMINATION

☐ The proposed action continues to qualify as a Programmatic Categorical Exclusion.

☐ The proposed action no longer qualifies as a Programmatic Categorical Exclusion.

*If it no longer qualifies, list reasons:* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Prepared by: \_\_\_\_\_  
Project Environmental Coordinator

\_\_\_\_\_  
Date

Approval  
Recommended By: \_\_\_\_\_  
Section Chief

\_\_\_\_\_  
Date

Approved by: \_\_\_\_\_  
Administrator, Bureau of Environment

\_\_\_\_\_  
Date

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## ***Non-Programmatic Projects***

*If the project cannot fit in the programmatic activity list, the non-programmatic environmental impact summary should be completed.*


*Some helpful hints are included to guide you!*

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## Helpful Hints from NHDOT

(look for the , and the numerical endnotes)

### CATEGORICAL EXCLUSION NON-PROGRAMMATIC ENVIRONMENTAL IMPACT SUMMARY

 Indicate the project is *SPONSOR MANAGED*!

An electronic version of this form is available from NHDOT- Bureau of Environment.

It is important to include detail in this form, add attachments to clarify points as necessary.


Action/Project Name: \_\_\_\_\_ State Project Number: \_\_\_\_\_

Federal Project Number: \_\_\_\_\_ CE Action Number: \_\_\_\_\_


Description of Project (Attach Location Map, As Appropriate):

 Be Specific – work length, width, type of materials, location map (USGS 1:24000), special details, etc.

#### Project Purpose and Need:

 Why the project is needed and how did it come to be?

#### Alternatives Considered:


Alt. No. 1  Obvious alternatives are allowed ("no build"), especially if there are environmental impacts.

Alt. No. 2


Alt. No. 3

#### Project Setting:

Urban ☐ Village ☐ Rural ☐  
Scenic Byway/NH Scenic Road? Yes ☐ No ☐  
National/State Forest Highway? Yes ☐ No ☐

Unique Features:  Example: wetlands, streams, structures, mountains, historic districts, etc.

#### CONTACT LETTERS SENT & REPLIES RECEIVED

AGENCY/ORGANIZATION	CONTACT	LETTER SENT	REPLY REC'D
 Attach any replies received, indicate contacts initiated.			

#### LOCATION MAP

## IMPACT ASSESSMENT SUMMARY

Be sure to **EXPLAIN** anything unique to the project.

## 1. Air Quality

NOT APPLICABLE ☐

Is project located in ozone nonattainment area? Yes ☐ No ☐  
 Is project located in carbon monoxide nonattainment area? Yes ☐ No ☐  
 Is project included in conformity determinations? Yes ☐ No ☐ Year \_\_\_\_  
 Is project exempt from conformity determination? Yes ☐ No ☐  
 Is project exempt from CO analysis? Yes ☐ No ☐  
 Exemption Code (from most recent conformity document): \_\_\_\_  
 Has project changed since the conformity analysis? Yes ☐ No ☐

Is project exempt from NEPA requirement to consider air quality? #1 Yes ☐ No ☐

For Projects Requiring a Carbon Monoxide Microscale Analysis: #2

Maximum Predicted 1-Hour Concentrations (ppm):

YEAR	CONCENTRATIONS								
Current Year ( )	_____ to _____	NAAQS Violations?	Yes <input type="checkbox"/>	No <input type="checkbox"/>					
Opening Year ( ) build	_____ to _____	NAAQS Violations?	Yes <input type="checkbox"/>	No <input type="checkbox"/>					
Opening Year ( ) no-build	_____ to _____	NAAQS Violations?	Yes <input type="checkbox"/>	No <input type="checkbox"/>					
Design Year ( ) build	_____ to _____	NAAQS Violations?	Yes <input type="checkbox"/>	No <input type="checkbox"/>					
Design Year ( ) no-build	_____ to _____	NAAQS Violations?	Yes <input type="checkbox"/>	No <input type="checkbox"/>					

Comments: \_\_\_\_\_

## 2. Historic/Archaeological Resources (Section 106 or RSA 227-C:9) #3

NOT APPLICABLE ☐

The "Findings" listed below are determined by the Cultural Resource Agencies

Historic Resources Investigated? Yes ☐ No ☐ National Register Eligible? Yes ☐ No ☐

Comments: \_\_\_\_\_

Include comments from resource agency meetings. \_\_\_\_\_

Archaeological Resources Investigated? Yes ☐ No ☐ National Register Eligible? Yes ☐ No ☐

Comments: #3A \_\_\_\_\_

Findings: No Historic Properties Affected ☐ No Adverse Effect ☐ Adverse Effect ☐

Agency Comments: \_\_\_\_\_

Review Completed: \_\_\_\_\_

Advisory Council Consultation Comments (when Adverse Effects are found): \_\_\_\_\_

When adverse affects are found. \_\_\_\_\_

Review Completed: \_\_\_\_\_

Mitigation (Describe): \_\_\_\_\_

3

## 3. Threatened or Endangered Species/Natural Communities

NOT APPLICABLE ☐

Endangered species in project area? Yes ☐ No ☐ In vicinity? Yes ☐ No ☐  
 Section 7 consultation necessary? Yes ☐ No ☐

Comments from NH Natural Heritage Inventory:

A program of the NH Department of Resources and Economic Development

Comments from State, Federal, or private agency: \_\_\_\_\_

Mitigation (Describe): \_\_\_\_\_

## 4. Floodplains or Floodways

NOT APPLICABLE ☐

Does the proposed project encroach in the floodplain? Yes ☐ No ☐ Acreage \_\_\_\_\_.  
 Volume \_\_\_\_.

Significance (Describe): \_\_\_\_\_

Does the proposed project encroach in the floodway? Yes ☐ No ☐ Acreage \_\_\_\_\_.  
 Volume \_\_\_\_.

Significance (Describe): \_\_\_\_\_

Coordination With FEMA Required? Yes ☐ No ☐

Comments from NH Office of Emergency Management: \_\_\_\_\_

Comments from NH Office of State Planning: \_\_\_\_\_

Comments from Federal Highway Administration: \_\_\_\_\_

Comments from US Army Corps of Engineers: \_\_\_\_\_

Mitigation (Describe): \_\_\_\_\_

4

March 2001

**5. Noise**NOT APPLICABLE ☐

Is project a Type I Highway Project? ☒ #4 Yes ☐ No ☐  
 Are There Receptors Present? Yes ☐ No ☐: # of Residential \_\_\_\_ # Of Commercial \_\_\_\_

Year	Range of Noise Levels (dBA Leq)		Noise Abatement Criterion Impacts	
	Residential (R)	Commercial (C)	# Approaching	# At or Exceeding
No-Build	_____ to _____	_____ to _____	Res, Comm	Res, Comm
Build	_____ to _____	_____ to _____	Res, Comm	Res, Comm
No-Build	_____ to _____	_____ to _____	Res, Comm	Res, Comm
Build	_____ to _____	_____ to _____	Res, Comm	Res, Comm

Will completed project increase noise levels 3 dBA or more? Yes ☐ No ☐  
 15 dBA or More? Yes ☐ No ☐

Are mitigation measures included in project? Yes ☐ No ☐  
 Explain: \_\_\_\_\_

Has the municipality received a copy of the traffic noise assessment? Yes ☐ No ☐

**6. Right-of-Way**NOT APPLICABLE ☐

Is additional ROW required? Yes ☐ No ☐ Acreage \_\_\_\_  
 Are improved properties acquired? Yes ☐ No ☐ Acreage \_\_\_\_  
 Displacement: Rental Units \_\_\_\_, Private Homes \_\_\_\_, Businesses \_\_\_\_  
 Relocation Report received from the Bureau of Right-of-Way? Yes ☐ No ☐

Relocation services to be provided? \_\_\_\_\_

Properties available for relocation? \_\_\_\_\_

Public Land (Federal State, or Municipal) Involvement? Yes ☐ No ☐. (See Section 7 below.)

**7. Section 4(f) Resources**

#5

NOT APPLICABLE ☐

Public Parkland Impacts? Yes ☐ No ☐ Temporary ☐ Permanent ☐  
 Public Recreational Area Impacts? Yes ☐ No ☐ Temporary ☐ Permanent ☐  
 Public Wildlife/Waterfowl Refuge Impacts? Yes ☐ No ☐ Temporary ☐ Permanent ☐  
 Historic Properties Impacted? Yes ☐ No ☐ Temporary ☐ Permanent ☐  
 LCIP Recreational Land? Yes ☐ No ☐ Temporary ☐ Permanent ☐

Acquisition required? Yes ☐ No ☐ Area \_\_\_\_

Comments: \_\_\_\_\_

Non-acquisition use of 4(f) property (23 CFR 771.135(p)):

Noise Level Increase Yes ☐ No ☐ Visual Intrusion Yes ☐ No ☐  
 Access Restriction Yes ☐ No ☐ Vibration Impacts Yes ☐ No ☐  
 Ecological Intrusion Yes ☐ No ☐

Programmatic 4(f) Evaluation ☐ 4(f) Evaluation ☐

For impacts to recreational 4(f) resources, obtain a statement of significance from official with jurisdiction  
 Date Requested: \_\_\_\_ Date Received: \_\_\_\_

5

**8. Section 6(f) Resources**

#6

NOT APPLICABLE ☐

Are there impacts to any properties acquired or improved with funds made available through Section 6(f) of the Federal Land and Water Conservation Fund Act? Yes ☐ No ☐ Temporary ☐ Permanent ☐

Recommendation received from State Liaison Officer? Yes ☐ No ☐  
 Coordination with the US Department of the Interior necessary? Yes ☐ No ☐

Comments: \_\_\_\_\_

**9. Water Quality/Streams, Rivers, and Lakes**NOT APPLICABLE ☐

Erosion Control Plan Required? Yes ☐ No ☐  
 Groundwater Impacts? Yes ☐ No ☐  
 Surface Water Impacts? Yes ☐ No ☐

Wells Impacted? ☒ #7 Yes ☐ No ☐ Private ☐ Community ☐ Municipal ☐  
 Stream Alteration Required? Yes ☐ No ☐

Coordination Required on: Public Waters Access? Yes ☐ No ☐  
 Shoreland Protection? Yes ☐ No ☐  
 Lakes Management? Yes ☐ No ☐  
 Wild and Scenic River? Yes ☐ No ☐  
 NH Designated River? Yes ☐ No ☐

Comments: \_\_\_\_\_

**10. Wetlands**NOT APPLICABLE ☐

Will this project impact lands under the jurisdiction of the NH Wetlands Bureau? Yes ☐ No ☐  
 Type of permit required: *expedited* ☐ *minimum* ☐ *minor* ☐ *major* ☐  
 Does this project qualify under the ACOE NHSPGP? Yes ☐ No ☐  
 ACOE Individual Permit required? Yes ☐ No ☐

Landform Type	USF&W Classification	Permanent Impacts	Temporary Impacts
<input checked="" type="checkbox"/> Use NDHES Wetlands Bureau definitions.			
<b>Total</b>			
<b>Non-Wetland Bank</b> <small>(Jurisdictional limit adjacent to lakes, ponds, streams and rivers)</small>	N/A		
<b>Upland Portion of the Tidal Buffer Zone</b> <small>(Land within 100' of the highest observable tide line)</small>	N/A		
<b>Total</b>			

Estimated length of permanent impacts to banks \_\_\_\_\_ ft.  
 Estimated length of permanent impacts to channel \_\_\_\_\_ ft.  
 Estimated volume of impacts in Public Waters \_\_\_\_\_ cu. yd.  
 If a channel is to be constructed, or a culvert or a bridge is to be installed, give the distance the flow of water is to be rerouted \_\_\_\_\_ ft.  
 If waterfront project, indicate total length of shoreline frontage \_\_\_\_\_ ft.  
 If wall, riprap, beach, or similar project, indicate length of proposed shoreline impact \_\_\_\_\_ ft.

Describe Mitigation: \_\_\_\_\_

Comments: \_\_\_\_\_

6

March 2001

**11. Land Conservation Investment Program (LCIP)**NOT APPLICABLE ☐Will land or easements obtained through the LCIP be impacted? Yes ☐ No ☐

(Contact the LCIP Coordinator at the NH Office of State Planning)


Have the impacts been reviewed at a monthly Natural Resource Agency Meeting? Yes ☐ No ☐Has an application been made to CORD demonstrating compliance with RSA 162-C:6? Yes ☐ No ☐

Comments: \_\_\_\_\_

**12. Wildlife and Fisheries**NOT APPLICABLE ☐Does the project impact important habitat? Yes ☐ No ☐Does the project have the potential to impact Essential Fish Habitat? Yes ☐ No ☐

Comments from State, Federal, or private agency: \_\_\_\_\_

Mitigation (Describe): \_\_\_\_\_

**13. Agricultural Land**NOT APPLICABLE ☐Does the project impact agricultural land?  #8 Yes ☐ No ☐ Active farmland? Yes ☐ No ☐Does project area contain prime, unique, statewide or local important farmland? Yes ☐ No ☐Completion of Form AD-1006 Required? Yes ☐ No ☐

Comments: \_\_\_\_\_

**14. Coast Guard**

#9


NOT APPLICABLE ☐Does the project involve work in navigable waters? Yes ☐ No ☐Does the project impact a historic bridge? Yes ☐ No ☐Does the project require a Coast Guard Permit? Yes ☐ No ☐

Determination of FHWA and/or Coast Guard: \_\_\_\_\_

Comments: \_\_\_\_\_

**15. Hazardous/Contaminated Materials Liabilities**NOT APPLICABLE ☐Does the project area includes sites from NHDES Groundwater Protection Bureau list? Yes ☐ No ☐ISA completed and attached? Yes ☐ No ☐ Additional investigation required? Yes ☐CERCLA involvement? Yes ☐ No ☐Remediation required? Yes ☐ No ☐

Comments: \_\_\_\_\_

 Initial Site Assessment (ISA) checklist attached - as a sample.**16. Public Participation Opportunity**NOT APPLICABLE ☐Public Informational Meeting? Yes ☐ No ☐ Date \_\_\_\_Public Hearing Required? Yes ☐ No ☐ Date \_\_\_\_On site meeting? Yes ☐ No ☐ Date \_\_\_\_

Comments: \_\_\_\_\_

**17. Social and Economic Impacts**NOT APPLICABLE ☐Is the project consistent with local and regional land use plans? Yes ☐ No ☐

Describe: \_\_\_\_\_

Neighborhood and community impacts? Yes ☐ No ☐☐ Churches☐ Schools☐ Elderly☐ Minorities☐ Handicapped☐ Low Income Housing☐ Emergency Service Facilities/Vehicles☐ Environmental Justice (Executive Order 12898)

Describe: \_\_\_\_\_

Impacts to local businesses? Yes ☐ No ☐ Temporary ☐ Permanent ☐

Describe: \_\_\_\_\_

**18. Environmental Justice**NOT APPLICABLE ☐Does the area affected by the proposed action contain minority or low-income populations? Yes ☐ No ☐Are the anticipated environmental impacts resulting from the proposed action likely to fall disproportionately on the minority and/or low income populations? Yes ☐ No ☐

Comments: \_\_\_\_\_

**19. Traffic Patterns**NOT APPLICABLE ☐Temporary detour required? Yes ☐ No ☐ Length \_\_\_\_Temporary bridge required? Yes ☐ No ☐ Impacts? Yes ☐ No ☐

Describe: \_\_\_\_\_

Permanent changes to traffic patterns? Yes ☐ No ☐

Describe: \_\_\_\_\_



**20 Construction Impacts:** NOT APPLICABLE ☐

Describe: \_\_\_\_\_



for example - temporary wetland impacts, noise, dust, etc.

**21. Field Inspection Comments:****22. Coordination**

Meeting	Date	Comments
Sponsor may utilize NHDOT regularly scheduled cultural and natural resource agency meetings by requesting a place on the agenda through NHDOT, Bureau of Environment.		

**23. Environmental Mitigation and/or Commitments:**

Note: When appropriate, more detailed descriptions of resources and an explanation of the impact analysis should be attached to this form.

Evaluated by: \_\_\_\_\_  
(Consulting Firm Representative)  
(Consulting Firm Name)

Date \_\_\_\_\_


Accepted by: \_\_\_\_\_  
(Bureau of Environment Representative)  
(Title)

Date \_\_\_\_\_

### Endnotes to accompany Helpful Hints on the Environmental Impact Summary

1. NEPA requirements generally require the same level of analysis as the Conformity requirements. So if a project is a **type** that is exempt from Conformity (as opposed to being exempt from Conformity because it is located in an attainment area), then it is also exempt from the NEPA requirement to consider air quality.
2. Projects with exemption codes: E-51, E-52, E-53, E-54, E-55, E-56, and N/E, or projects located in attainment areas that are similar to these types of projects, require a CO microscale analysis.
3. Section 106 of the National Historic Preservation Act of 1966 requires Federal agencies to take into account the effects of their actions on historic properties. Where there is no Federal involvement, RSA 227-C:9 requires State agencies to cooperate to protect historic resources.
- 3A. Sponsors are encouraged, beginning at the application stage, to coordinate with any organized historic/archaeological groups within their community to gather insight to resources in the project area. Additionally, the Sponsor can take advantage of the monthly Cultural Resource Meeting to get comments. Contact the TE-CMAQ Coordinator or the NHDOT Bureau of Environment to secure a place on the agenda.
4. The Type I Highway Project is a proposed highway project for the construction of a highway on new location or the physical alteration of an existing highway which significantly changes the horizontal or vertical alignment or increases the number of through-traffic lanes.
5. Section 4(f) applies to all significant historic sites, publicly owned parks, recreational areas, and wildlife and waterfowl refuges.
6. Section 6(f) of the Land and Water Conservation Fund Act requires coordination with the State Liaison Officer (NH Department of Resources and Economic Development, Division of Parks and Recreation) when a project impacts land bought or improved with LWCF (Land and Water Conservation Funds) funds.
7. The Sponsor should coordinate any well impact with the Drinking Water Source Protection Program at NHDES.
8. Federally funded projects that require the use of farmland will require completing form AD-1006, "US Department of Agriculture Farmland Conversion Impact Rating". These forms are available at the Natural Resources Conservation Service (NRCS) web site [www.fw.nrcs.usda.gov/nps.ad.htm](http://www.fw.nrcs.usda.gov/nps.ad.htm), or through the NHDOT, Bureau of Environment. Sponsor completes parts I, III, VI, and VII and the NRCS completes parts II, IV, and V.
9. For Federal-Aid highway projects involving navigable waters, the Sponsor must contact the FHWA to determine whether coordination with the Coast Guard, or obtaining a Coast Guard permit is necessary.

## Helpful Hints from NHDOT

(look for the , and the numerical endnotes)

### CATEGORICAL EXCLUSION NON-PROGRAMMATIC ENVIRONMENTAL IMPACT SUMMARY



Indicate the project is *SPONSOR MANAGED*!

An electronic version of this form is available from NHDOT- Bureau of Environment.

It is important to include detail in this form, add attachments to clarify points as necessary.

Action/Project Name: \_\_\_\_\_ State Project Number: \_\_\_\_\_

Federal Project Number: \_\_\_\_\_ CE Action Number: \_\_\_\_\_

Description of Project (Attach Location Map, As Appropriate):



Be Specific - work length, width, type of materials, location map (USGS 1:24000), special details, etc

#### Project Purpose and Need:



Why the project is needed and how did it come to be?

#### Alternatives Considered:

Alt. No. 1  Obvious alternatives are allowed ("no build"), especially if there are environmental impacts.

Alt. No. 2

Alt. No. 3

#### Storage Structures (Observed or Suspected)

Underground Tanks (-)	Drums (-)
Surface Tanks (-)	Basins (-)
Transformers (-)	Landfills (-)
Sumps (-)	Others (-)
Ponds (-)	

#### Contamination

Surface Staining (-)	Vegetation Damage (-)
Oil Sheen (-)	Dead Fauna (-)
	Odors (-)
	*Other (+)
None (-)	

#### Potential Asbestos Containing Materials\*

Buildings (-)	Serpentine (-)
Sprayed-On Fireproofing (-)	Pipe Wrap (-)
Acoustical Plaster (-)	Friable Tape (-)
Fill Material (-)	None (+)

Does the field review indicate the presence or potential presence of hazardous materials? (If yes, identify, locate, and explain.) Yes, there is one stack of railroad ties (approximately 20-25) located in a wetland along the railroad corridor. DES recommends removing railroad ties and properly disposing them at the Bethlehem landfill. There are other ties scattered along the corridor that do not warrant handling and disposal.

\* The Bureau of Right-of-Way should be notified when buildings possibly containing asbestos are to be taken or moved.

# *Federal Funded Municipal Projects*

## **State & Federal Environmental Regulations/Requirements**

### **State**

1. NH Dredge & Fill Permit (Wetlands) RSA 482-A
2. Water Quality Certificate (Section 401)
3. Coastal Zone Management Consistency
4. NH Rivers Management & Protection Program
5. NH Lakes Management & Protection Program
6. NH Shoreline Protection Act
7. NH Native Plant Protection Action of 1987
8. NH Endangered Species Conservation Act of 1979
9. Directive for Cooperation in the Protection of Historic Resources RSA 227-C:9
10. Public Waters Access Advisory Board
11. NH Office of Emergency Management
12. NH Department of Environmental Services Waste Management Division and Water Supply and Pollution Control Division for Regulations on Hazardous Materials

### **Federal**

1. National Environmental Policy Act
2. Federal Highway Administration (FHWA) Env. Regs. 23 CFR 771,772
3. FHWA Technical Advisory T6640.8A
4. Section 4(f), DOT Act
5. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended
6. Title VI of Civil Rights Act of 1964/Executive Order 12898
7. Surface Transportation and Uniform Relocation Assistance Act of 1987; Section 123(f) (Historic Bridges); Section 130 (Wildflowers)
8. Safe Drinking Water Act
9. Sections 106/110 of the National Historic Preservation Act
10. Wild & Scenic Rivers Act
11. Land and Water Conservation Fund Act (Section 6)
12. Executive Order 11990(Protection of Wetlands)
13. Rivers and Harbors Act of 1899
14. Federal Water Pollution Control Act (1972), as amended by Clean Water Act
15. National Flood Insurance Act (Executive Order 11988, "Protection of Floodplains")
16. Coastal Zone Management Act
17. Farmland Protection Policy Act of 1981
18. Resource Conservation and Recovery Act of 1976 (Haz. Waste)
19. Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Haz. Mats.)
20. Superfund Amendments and Reauthorization Act (Haz. Waste)
21. Endangered Species Act of 1973
22. Fish and Wildlife Coordination Act
23. Clean Air Act

Other regulations/requirements may also apply, during project development (pre construction), construction, or post-construction (maintenance).

# FEDERAL LEGISLATION AFFECTING TRANSPORTATION

## *National Environmental Policy Act*

Legislative Reference	National Environmental Policy Act (NEPA): 42 USC 4321-4347; (PL 91-190) (PL 94-83)
Regulations Reference	23 CFR 770-772; 40 CFR 1500-1508 Executive Order 11514 as amended by Executive Order 11991 on NEPA responsibilities
Purpose	Consider environmental factors through systemic interdisciplinary approach before committing to a course of action.
Applicability	All FHWA actions
General Procedures	Procedures set forth in CEQ regulations and 23 CFR 771
Agency for Coordination and Consultation	Appropriate Federal, State, and Local Agencies.

## *Section 4(f), DOT Act*

Legislative Reference	Section 4(f) of the Department of Transportation Act: 23 USC 138; 49 USC 303; (PL 100-17); (PL 97-449); (PL 86-670).
Regulations Reference	23 CFR 771.135.
Purpose	Preserve publicly owned parklands, waterfowl and wildlife refuges, and significant historic sites.
Applicability	Significant publicly owned parklands, recreation areas, wildlife and waterfowl refuges, and all significant historic sites "used" for a highway project.
General Procedures	Specific findings required: 1. Selected alternative should avoid protected areas, unless noted feasible or prudent; 2. Includes all possible planning to minimize harm.
Agency for Coordination and Consultation	DOI, DOA, HUD, State or local agencies having jurisdiction and State Historic Preservation Officer (for historic sites).

## *Uniform Act (Acquisition and Relocation)*

Legislative Reference	Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (42 USC 4601 ET SEQ., PL 91-646) as amended by the Uniform Relocation Act Amendments of 1987 (PL 100-17).
Regulations Reference	49 CFR 24
Purpose	To implement the Uniform Act as amended in an efficient manner; to ensure property owners of real property acquired for and persons displaced by Federal-Aid projects are treated fairly, consistently, and equitably so they will not suffer disproportionate injuries.
Applicability	All projects involving Federal-Aid funds
General Procedures	Procedures set forth in 49 CFR 24
Agency for Coordination and Consultation	DOT/FHWA has lead responsibility. Appropriate Federal, State, and Local agencies. FHWA Website <a href="http://WWW.FHWA.DOT.GOV">WWW.FHWA.DOT.GOV</a> (Legislation and Regulations)

## *Title VI, Civil Rights*

Legislative Reference	Title VI of the Civil Rights Act of 1964 (42 USC 2000D ET SEQ) and related statutes.
Regulations Reference	49 CFR 21 and 23 CFR 200
Purpose	To ensure that no person shall, on the grounds of race, color, national origin, age, sex, or disability is subjected to discrimination under any program or activity receiving federal financial assistance.
Applicability	All Federal programs and projects.
General Procedures	Procedures set forth in 49 CFR 21 and 23 CFR 200.
Agency for Coordination and Consultation	FHWA headquarters and field offices.

## *Section 106, Historical Preservation Act*

Legislative Reference	Section 106 of the National Historic Preservation Act as amended: (PL 89-665) (PL 91-243) (PL 93-54) (PL 94-422) (PL 94-458) (PL 96-199) (PL 96-244) (PL 96-515)
Regulations Reference	Executive Order 11593 23 CFR 771, 36 CFR 60, 36 CFR 63, 36 CFR 800
Purpose	Protect, rehabilitate, restore, and reuse districts, sites, buildings, structures, and objects significant in American architecture, archeology, and culture.
Applicability	All properties on or eligible for inclusion on the National Register of Historic Places.
General Procedures	1. Identify and determine the effects of project on subject properties. 2. Afford Advisory Council an early opportunity to comment, in accordance with 36 CFR 800. 3. Avoid or mitigate damages to greatest extent possible.
Agency for Coordination and Consultation	State Historic Preservation Officer. Advisory Council on Historic Preservation. DOI (NPS).

### Noise, Standard 23 USC 109

Legislative Reference	Standards: 23 USC 109 (I) (PL 91-605), (PL 93-87)
Regulations Reference	23 CFR 772
Purpose	Promulgate noise standards for highway traffic.
Applicability	All Federally funded projects for the construction of a highway or new location of the physical alteration of an existing highway that significantly changes either the vertical or horizontal alignment or increases number of through traffic lanes.
General Procedures	<ol style="list-style-type: none"> <li>1. Noise impact analysis.</li> <li>2. Analysis of mitigation measures.</li> <li>3. Incorporate reasonable and feasible noise abatement measures to reduce or eliminate noise impact.</li> </ol>
Agency for Coordination and Consultation	FHWA.

### Clean Air Act (Conformity)

Legislative Reference	Clean Air Act (as amended), Transportation Conformity Rule: 23 USC 109 (J) 42 USC 7521(a) (PL 101-549)
Regulations Reference	23 CFR 771 40 CFR 51 and 93
Purpose	To ensure that transportation plans, programs, and projects conform to the State's air quality implementation plans.
Applicability	Non-attainment and maintenance areas.
General Procedures	Transportation plans, programs, and projects must conform to State Implementation Plan (SIPs) that provide for attainment of the national ambient air quality standards.
Agency for Coordination and Consultation	FTA, EPA, MPOs, State DOTs and State and local Air Quality Control agencies.

### Resource Conservation and Recovery Act

Legislative Reference	Resource Conservation and Recovery Act of 1976 (RCRA), as amended: 42 USC 6901, ET SEQ (PL 94-580) (PL 98-616)
Regulations Reference	40 CFR 260-271
Purpose	Protect human health and the environment. Prohibit open dumping. Manage solid wastes. Regulate treatment, storage, transportation, and disposal of hazardous waste.
Applicability	Any project that takes right of way containing a hazardous waste.
General Procedures	Coordinate with EPA or State agency on remedial action.
Agency for Coordination and Consultation	EPA or State agency approved by EPA, if any.

### Superfund(CERCLA)

Legislative Reference	Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended: 42 USC 9601-9657, (PL 96-510)  Superfund Amendments and Reauthorization Act of 1986: (SARA) (PL 99-499)
Regulations Reference	40 CFR 300 43 CFR 11
Purpose	Provide for liability, compensation, clean up, and emergency response for hazardous substances released into the environment and the clean up of inactive hazardous waste disposal sites.
Applicability	Any project that might take right-of-way containing a hazardous substance.
General Procedures	<ol style="list-style-type: none"> <li>1. Avoid hazardous waste sites, if possible.</li> <li>2. Check EPA lists of hazardous waste sites.</li> <li>3. Field surveys and reviews of past and present land use.</li> <li>4. Contact appropriate officials if uncertainty exists.</li> <li>5. If hazardous waste is present or suspected, coordinate with appropriate officials.</li> <li>6. If hazardous waste is encountered during construction, stop project and develop remedial action.</li> </ol>
Agency for Coordination and Consultation	EPA or State agency approved by EPA, if any.

CONTACTS FOR ENVIRONMENTAL INFORMATION AND/OR APPROVALS

**State Agencies**

Agency/Address

Tel No.

Info/Approval

**NH Department of Environmental Services**

6 Hazen Drive, PO Box 95, Concord, NH 03302-0095

Water Division	271-3503	Water Supply Protection
Waste Management Division	271-2905	Hazardous Materials
Hazardous Waste Remediation Bureau	271-2901	Hazardous Materials Sites
Lakes Coordinator	271-2959	Lakes Management Program
Public Information and Permitting Office	271-2975	General Permitting Info
Rivers Coordinator	271-1152	Rivers Management Program
Shoreland Protection Coordinator	271-6876	CSPA Coordination/Variance
Wetlands Bureau	271-2147	Dredge & Fill Permit
	431-9366 (Coastal Office)	
Drinking Water Source Protection Program	271-1168	Impacts to Drinking Water Source

**NH Office of Emergency Management**

107 Pleasant Street, Concord, NH 03301

271-2231

Floodplain/Floodway Info

**NH Office of State Planning**

2½ Beacon Street, Concord, NH 03301-4497

271-2155

LCIP Lands/Coastal Info

**NH Department of Resources & Economic Development**

172 Pembroke Road, PO Box 1856, Concord, NH 03302-1856

Natural Heritage Inventory	271-3623	Endangered Species Info
State Liaison Officer	271-3627	Section 6(f) Lands

**NH Fish & Game Department**

2 Hazen Drive, Concord, NH 03301-6500

271-3421

Endangered Species Info

**NH Division of Historical Resources**

19 Pillsbury Street, Concord, NH 03301-3570

271-3483

Hist./Archeol. Resources Info

**Federal Agencies**

**Environmental Protection Agency, New England-Region 1**

1 Congress Street, Boston, MA 02114

(617)918-1192

Policy/Hazardous Waste

**Federal Emergency Management Agency**

JW McCormack Post Office & Court House, Room 462

Boston, MA 02109

Floodplain/Floodway Info

**Federal Highway Administration, NH Division**

279 Pleasant Street, Concord, NH 03301

225-1605

Policy/Section 4(f) Lands

**National Marine Fisheries Service**

One Blackburn Drive, Gloucester, MA 01930-2298

978-281-9204

Coastal Resources Info

**Natural Resources Conservation Service**

Federal Building, 2 Madbury Road

Durham, NH 03824-7581

868-7581

Farmland Info

CONTACTS FOR ENVIRONMENTAL INFORMATION AND/OR APPROVALS

**Federal Agencies (cont.)**

**US Army Corps of Engineers, New England District**

696 Virginia Road, Concord, MA 01742-2751	978-318-8832	Section 404 Wetlands Permit
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**US Coast Guard**

First District, Battery Park Building New York, NY 10004-5073	212-668-7021	Navigable Waterways
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**US Fish & Wildlife Service**

70 Commercial Street, Suite 300 Concord, NH 03301-5087	225-1411	Endangered Species Info
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**Other Contacts**

**Regional Planning Agencies** – SEE APPENDIX G

Socio-Econ/Air Quality Info

**Municipal Boards**

Conservation Commission	Natural Resources Info
Emergency Management Director	Floodplain/Floodway Info
Fire Department	Hazardous Materials Info
Historical Society/Historic District Commission	Hist./Archeol. Resources Info
Planning Board	Land Use Info

**Society for Protection of NH Forests**

54 Portsmouth Street, Concord, NH 03301	224-9945
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**New Hampshire Chapter of Sierra Club**

P.O. Box 328, New Ipswich, NH 03071	878-2789
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**Audubon Society of New Hampshire**

3 Silk Farm Road, Concord, NH 03301	224-9909
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**Conservation Law Foundation**

27 North Main Street, Concord, NH 03301	225-3060
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**New Hampshire Department of Transportation – [www.nhdot.com](http://www.nhdot.com)**

1 Hazen Drive, P.O. Box 483, Concord, NH 03302-0483

Environmental Bureau	271-3226	Environmental Guidance
TE/CMAQ Coordinator	271-2107	TE/CMAQ Information
Right of Way	271-3222	ROW Guidance
Rail & Transit Bureau	271-2468	FTA-Transit Guidance

# *Guidelines for Construction Procurement*



Holderness 12298 10-00



## Construction Procurement

Prior to being constructed, all projects must follow competitive bid procedures leading to award of the contract to the lowest bidder. Information pertaining to administration of contracts is available on the FHWA website – [WWW.FHWA.DOT.GOV](http://WWW.FHWA.DOT.GOV), click FHWA Programs, Core Business Units, Infrastructure, Program Administration, and Contract Administration. Alternatively, the Sponsor can utilize the NHDOT Standard Specification for Road and Bridge Construction to guide their contract administration or, many consultants utilize a standard contract developed by the Engineers Joint Contract Documents Committee (EJCDC), that encompasses pertinent federal requirements.

Following are a few points to remember when planning the bid process

There are very specific rules attached to the process of procuring construction services. An “Invitation for Bids” (IFB) is issued and **an award is made based on the lowest responsive bid.** Issuance of an IFB is the avenue for informing the contracting community that your municipality has a project to be constructed and that you are soliciting bids to complete this work. In order to compare the bids received and ensure they cover the same scope of work, bid items and quantities must be provided to the bidders. Accordingly, after approval of the project’s PS & E, the Sponsor will need to prepare an “Invitation for Bids.”

**Invitation for Bids** - Some elements that should be included are:

- A description and location of the project to bid, as well as who is issuing the bid documents.
- Clear direction relative to how, when, and where the project plans and specifications can be obtained and any cost involved with obtaining the documents.
- How and when the bids will be received.
- An explanation of the basis of award. Awards must be made on the basis of the lowest responsive bid and a firm fixed-price award will be made in writing to the lowest responsive and responsible bidder. This requirement is required by 23CFR635.114 of the federal regulations.
- An explanation that all bids received in accordance with the terms of the solicitation will be publicly opened at the time and place prescribed and announced either item by item or by the total amount.
- A statement apprising bidders that they must certify that they did not enter into any agreement, participate in any collusion, or otherwise take any action in restraint of free competitive bidding. (This statement may be provided for contractors to sign directly on the bid form but should still be pointed out up front).
- A statement that this project is funded in part with Federal funds and that all applicable provisions apply. Specifically, bidders must be apprised of the civil rights and equal opportunity provision in which they agree not to discriminate on the grounds of race, color, religion, sex, or national origin - “Standard Federal Equal Employment Opportunity Construction Contract Specifications” (Executive Order 11246) and required contract provision ‘“Required Contract Provisions Federal-Aid Construction Contracts” (Federal Form 1273). It should be made clear that the conditions of these documents will be a part of the construction contract and that the chosen contractor must adhere to them.
- Any additional provisions that may apply, such as inclusion of Davis-Bacon wage rates, should be clearly spelled out.
- Bid form detailing the items and quantities to be bid on.
- Notification of any grievance procedures that may be in place.
- General statements attesting that the estimated quantities are not guaranteed but are given as a basis for the comparison of bids and that the right is reserved to reject any or all bids, to waive any for-

mality and any and all technicalities in bids and to accept such bid as may be deemed in the best interest of the awarding agency.

**The Following Conditions Apply:** - It is essential that the following conditions be adhered to.

- Invitations for bid will be publicly advertised and bids shall be solicited from an adequate number of known contractors.
- The advertisement and approved plans and specifications shall be available to qualified bidders for a minimum of three weeks prior to the opening of the bids. For extenuating circumstances only, shorter periods may be approved.
- If it comes to be that the bids cannot be read aloud at the specified time and place, the reason for this shall be publicly announced at the opening.
- There cannot be any negotiation with contractors during the period following the opening of bids and before the award of the contract. In other words, a contract can only be signed with the lowest responsive bidder for the bid amount entered onto the bid form.

### **Decision:**

After you have made your decision as to how the project will be constructed, you have to inform NH DOT of this in writing. Your letter should include the following:

- Your proposed bid process, in as much detail as you can provide.
- Your proposed bid notices and other bid documents, as available.

Once you have all approvals, permits and documents, you may move ahead with the process. Make sure all appropriate materials are included in the bid package. General Contract Provisions required to be included are:

- Information on Davis Bacon Wage Rates;
- EEO Notice;
- Training Special Provision;
- EEO Reporting Requirements;
- EEO Special Provision;
- Executive Order 11246;
- EEO Poster Requirements;
- Required contract provisions for Federal Aid Construction Contracts.

**Note:** *These requirements are available electronically on the NHDOT website [www.nhdot.com](http://www.nhdot.com) or a hard copy of the required contract provisions noted above is available upon request to the NHDOT TE/CMAQ Coordinator.*

After you have received bid proposals and reviewed them, you must submit all materials to the NH DOT TE/CMAQ Coordinator for review and concurrence with your choice of lowest responsive, responsible bidder. The Municipality should confirm that the summation of bid items represents the bid amount for each bidder. This tabulation should be submitted to NHDOT with the request for concurrence in low bidder award. The NHDOT TE-CMAQ Coordinator will submit copies to Director of Project Development and Project Programming.

If the bids received are above the final engineers estimate, the Sponsor must discuss the cost variance with NHDOT. Factors to be considered are availability of Municipal Match, and Federal Aid, as well as the validity of the bid results. Alternatives to the overage are to rebid the project on another date, reduce the scope of work and rebid, combine with another project, and force account. The Sponsor should consider these factors and make a recommendation to the NHDOT with the submission of bid results. You can award the contract for the original bid price (including any alternates) **only** after this review and concurrence. **No negotiation prior to award is permitted.**

# *Billing Procedures*

*Included within:*

- **Sample Cover Letter**
- **Sample Billing/Task Detail & Summary**
- **Sample Progress Report**



*Gorham 11915 10-00*

## Billing Procedures

The Sponsor must maintain files that include backup material for the invoices. This backup material should include consultant invoices, material to document labor billed, sub-consultant expenses, and direct expenses.

General Description: The invoice should consist of 3 parts:

1. Cover Letter;
2. Billing/Task Detail and Summary of Expenses (Invoices should also be included);
3. Progress Report.

\*\*It takes approximately 2-3 weeks for NH DOT to process an invoice.

Each part should always have a heading, stating the following information:

1. Who are you (Town of Wherever);
2. Date of current invoice;
3. Project number and description (Wherever Sidewalks, 12345);
4. Invoice number and billing period (Invoice #1 - Dec. 1999).

Cover Letter: (See Sample #1) Should Include:

1. Your letterhead/heading (see above);
2. Letter should be addressed to your TE/CMAQ Coordinator;
3. Body of letter should include:
  - a. Total amount of invoices;
  - b. Total amount requested for reimbursement;
  - c. Your community's authorized signature.

Billing/Task Summary: (See Sample #2) Should Include:

1. Letterhead/heading;
2. List each task & allotted amount in order of completion;
3. List current invoice money billed for each task;
4. Show contract balance for each task;
5. List Billed to Date;
6. Local match (including percentage and amount);
7. Total requested for payment from State;
8. Totals.

Progress Report: (See Sample #3) Should Include:

Briefly describe the activities covered by the attached invoice(s).

### Sample #1 - Cover Letter

Letterhead:

Town of Wherever  
Address and Telephone Number

Date: \_\_\_\_\_

To: NH DOT TE/CMAQ Coordinator  
NH DOT  
John O. Morton Building  
1 Hazen Drive  
PO Box 483  
Concord, N.H. 03302-0483

Re: Wherever Sidewalk Project, 12345

Dear \_\_\_\_\_:

Enclosed is Invoice #\_\_\_\_\_, dated 00/00/0000, covering the period of month/year for a total of \$\_\_\_\_\_. We are requesting a total of \$\_\_\_\_\_ as reimbursement to cover the Federal portion of this invoice.

Staff has reviewed the costs and believes they accurately reflect the work performed.

Sincerely,

(Signature)  
(Authorized signer & title)

abc/def

Enclosed: all invoices

## Sample #2 - Billing/Task Detail & Summary

(Use letterhead paper if possible. In any case, include all information requested above.)

Invoice# \_\_\_\_\_ From: \_\_\_\_\_  
Invoice Date: \_\_\_\_\_ Project Name: \_\_\_\_\_  
Billing Period: \_\_\_\_\_ Project #: \_\_\_\_\_

### Billing/Task Detail

Task Project	Amount	Payments to date	Agreement Balance	Current Invoice
Phase I:	8,000	2,000	6,000	1,500
Phase II:	12,000	0	12,000	
Phase III: Construction*	100,000	0	100,000	
Totals:	120,000	2,000	118,000	1,500

#### Invoice Summary:

Total Current Invoice: \$1,500  
Less Local Match: \$ 300 = 20%  
Total Payment Requested: \$1,200

**\*NOTE - Once construction is complete, the Municipality must certify that construction is complete and the invoice is the final invoice (This could be included in the cover letter.) Once final payments have been processed, the Department will close out the project. Once a project is closed out, no additional project funds can be expended.**

## Sample #3 - Progress Report

(This should be a brief written summary of where the project is, how it is moving along, what proportion is complete or near complete, and the next step. Could be included in the cover letter.)

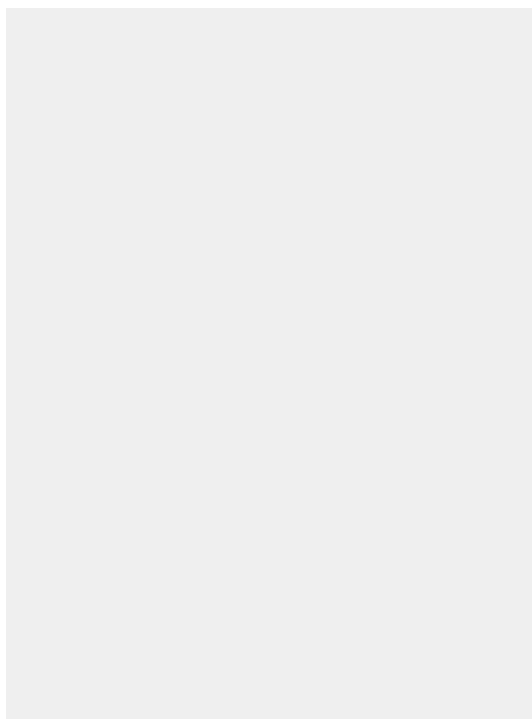
Invoice # \_\_\_\_\_ From: \_\_\_\_\_  
Invoice Date: \_\_\_\_\_ Project Name: \_\_\_\_\_  
Billing Period: \_\_\_\_\_ Project #: \_\_\_\_\_

**Example:** Phase I is almost complete: Categorical Exclusion was received on 00/00/00, and final plans are now being prepared. Phase II has been started: Acquisition will be completed on 00/00/00.

Renderings by Emine Bariskin Bilgili,  
City Planner & Urban Designer,  
Strafford Regional Planning Commission, 1999.



# *Important Acronyms*



*Wolfeboro 12290 11-99*

## *Important Acronyms*

ACOE	ARMY CORPS OF ENGINEERS
CE	CATEGORICAL EXCLUSION
CERCLA	COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT
CFR	CODE OF FEDERAL REGULATIONS
CMAQAC	CONGESTION MITIGATION & AIR QUALITY ADVISORY COMMITTEE
CO	CARBON MONOXIDE
DOA	U.S. DEPARTMENT OF AGRICULTURE
DOI	U.S. DEPARTMENT OF INTERIOR
EJCDC	ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE
EPA	ENVIRONMENTAL PROTECTION AGENCY
FEMA	FEDERAL EMERGENCY MANAGEMENT AGENCY
FHWA	FEDERAL HIGHWAY ADMINISTRATION
FTA	FEDERAL TRANSIT ADMINISTRATION
HUD	U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
ISA	INITIAL SITE ASSESSMENT
LCIP	LAND CONSERVATION INVESTMENT PROGRAM
LWCF	LAND & WATER CONSERVATION FUNDS
MOA/MOU	MEMORANDUM OF AGREEMENT/MEMORANDUM OF UNDERSTANDING
MPO	METROPOLITAN PLANNING ORGANIZATION
NEPA	NATIONAL ENVIRONMENTAL POLICY ACT
NHDES	N.H. DEPARTMENT OF ENVIRONMENTAL SERVICES
NHDHR	N.H. DIVISION OF HISTORICAL RESOURCES
NHDOT	N.H. DEPARTMENT OF TRANSPORTATION
NHDRED	N.H. DEPARTMENT OF RESOURCE AND ECONOMIC DEVELOPMENT
NHOEM	N.H. OFFICE OF EMERGENCY MANAGEMENT
NHS	NATIONAL HIGHWAY SYSTEM
NPS	NATIONAL PARK SERVICE
NRCS	NATURAL RESOURCE CONSERVATION SERVICE
PE	PRELIMINARY ENGINEERING OR PROFESSIONAL ENGINEER (context)
PS&E	PLANS, SPECIFICATIONS, & ESTIMATE (The Final Plan Submission including costs, prior to advertising)
RFP	REQUEST FOR PROPOSALS
ROW	RIGHT-OF-WAY
RPC	REGIONAL PLANNING COMMISSION
SHPO	STATE HISTORIC PRESERVATION OFFICER
TEAC	TRANSPORTATION ENHANCEMENT ADVISORY COMMITTEE
USACOE	U.S. ARMY CORPS OF ENGINEERS
USEPA	U.S. ENVIRONMENTAL PROTECTION AGENCY
USF&WS	U.S. FISH & WILDLIFE SERVICE

# *Regional Planning Commissions in New Hampshire*



Canterbury 12277 12-99



*New Hampshire Regional Planning Commissions  
March, 2001*

1. NORTH COUNTRY COUNCIL  
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2. LAKES REGION PLANNING COMMISSION  
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3. UPPER VALLEY-LAKE SUNAPEE  
REGIONAL PLANNING COMMISSION  
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4. SOUTHWEST REGION PLANNING COMMISSION  
Timothy Murphy, Executive Director  
20 Central Square, 2nd Floor  
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- 5A. CENTRAL NH PLANNING COMMISSION  
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- 5B. SOUTHERN NH PLANNING COMMISSION  
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- 5C. NASHUA REGIONAL PLANNING COMMISSION  
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6. ROCKINGHAM PLANNING COMMISSION  
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7. STRAFFORD REGIONAL PLANNING COMMISSION  
Cynthia Copeland, Executive Director  
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*Sponsors are encouraged to oversee the management of their projects. In doing so, the Sponsor has a better opportunity to lead the decision-making process.*